



Reprinted
March 25, 2005

ENGROSSED SENATE BILL No. 56

DIGEST OF SB 56 (Updated March 24, 2005 4:55 pm - DI 75)

Citations Affected: IC 4-3; IC 5-2; IC 5-14; IC 5-22; IC 10-14; IC 10-15; IC 10-19; IC 16-18; IC 16-31; IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; noncode.

Synopsis: Establishes the department of homeland security. Abolishes the state emergency management agency, the fire and building services department, the public safety and training board, the advanced life support subcommittee, and the public safety institute. Transfers the functions of these entities to the department of homeland security. Reduces the membership of the fire prevention and building safety commission. Requires the governor to appoint members to the commission. Makes several changes relating to emergency medical services dispatch certification. Provides that the definition of "building law" does not include a fire safety law. Transfers statutes and repeals superseded statutes. Requires the legislative services agency to prepare legislation for introduction in the 2006 regular session of the general assembly to organize and correct statutes affected by the establishment of the department of homeland security.

Effective: April 15, 2005.

Wyss, Craycraft, Rogers
(HOUSE SPONSORS — RUPPEL, TINCHER)

January 4, 2005, read first time and referred to Committee on Rules and Legislative Procedure.
February 15, 2005, amended; reassigned to Committee on Homeland Security, Utilities, and Public Policy.
February 24, 2005, amended, reported favorably — Do Pass.
February 28, 2005, read second time, ordered engrossed. Engrossed.
March 1, 2005, read third time, passed. Yeas 46, nays 0.

HOUSE ACTION

March 14, 2005, read first time and referred to Committee on Public Safety and Homeland Security.
March 15, 2005, amended, reported — Do Pass.
March 24, 2005, read second time, amended, ordered engrossed.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 56

A BILL FOR AN ACT to amend the Indiana Code concerning public safety and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-1-3 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE APRIL 15, 2005]: Sec. 3. (a) There is created, as a
3 criminal justice agency of the state, a law enforcement training board
4 to carry out the provisions of this chapter. The board members are to
5 be selected as provided by this chapter. The board is composed of **the**
6 **following members:**

7 (1) The superintendent of the Indiana state police department,
8 who shall serve as ~~ex officio chairman~~ **chair** of the board;

9 **(2) The deputy director of the division of preparedness and**
10 **training of the department of homeland security. The deputy**
11 **director shall serve as the vice chair of the board.**

12 **(3) The chief of police of a consolidated city.**

13 **(4) One (1) county sheriff from a county with a population of**
14 **at least one hundred thousand (100,000).**

15 ~~(2) (5) One (1) county sheriff from a county of at least fifty~~
16 **thousand (50,000) but less than one hundred thousand**
17 **(100,000) population.**

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~~(3)~~ **(6)** One (1) county sheriff from a county of under fifty thousand (50,000) population.

~~(4)~~ **(7)** One (1) chief of police from a city of at least thirty-five thousand (35,000) population, **who is not the chief of police of a consolidated city.**

~~(5)~~ **(8)** One (1) chief of police from a city of at least ten thousand (10,000) but under thirty-five thousand (35,000) population.

~~(6)~~ **(9)** One (1) chief of police, police officer, or town marshal from a city or town of under ten thousand (10,000) population.

~~(7)~~ **(10)** One (1) prosecuting attorney.

~~(8)~~ **(11)** One (1) judge of a circuit or superior court exercising criminal jurisdiction.

~~(9)~~ **(12)** One (1) member representing professional journalism.

~~(10)~~ **(13)** One (1) member representing the medical profession.

~~(11)~~ **(14)** One (1) member representing education.

~~(12)~~ **(15)** One (1) member representing business and industry.

~~(13)~~ **(16)** One (1) member representing labor. ~~and~~

~~(14)~~ **(17)** One (1) member representing Indiana elected officials of counties, cities, and towns.

(b) The following members constitute an advisory council to assist the members of the ~~law enforcement training~~ board in an advisory, nonvoting capacity:

(1) The special agent in charge of the Federal Bureau of Investigation field office covering the state of Indiana, subject to the agent's approval to serve in such capacity.

(2) The attorney general of Indiana.

~~(3) The administrative director of the Indiana commission on forensic sciences.~~

(3) One (1) member representing forensic science, to be appointed by the governor.

(4) One (1) member representing theology, to be appointed by the governor.

(5) The director of the law enforcement division of the department of natural resources.

SECTION 2. IC 5-14-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 9. (a) A denial of disclosure by a public agency occurs when the person making the request is physically present in the office of the agency, makes the request by telephone, or requests enhanced access to a document and:

(1) the person designated by the public agency as being responsible for public records release decisions refuses to permit inspection and copying of a public record when a request has

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1 been made; or
 2 (2) twenty-four (24) hours elapse after any employee of the public
 3 agency refuses to permit inspection and copying of a public
 4 record when a request has been made;
 5 whichever occurs first.

6 (b) If a person requests by mail or by facsimile a copy or copies of
 7 a public record, a denial of disclosure does not occur until seven (7)
 8 days have elapsed from the date the public agency receives the request.

9 (c) If a request is made orally, either in person or by telephone, a
 10 public agency may deny the request orally. However, if a request
 11 initially is made in writing, by facsimile, or through enhanced access,
 12 or if an oral request that has been denied is renewed in writing or by
 13 facsimile, a public agency may deny the request if:

14 (1) the denial is in writing or by facsimile; and

15 (2) the denial includes:

16 (A) a statement of the specific exemption or exemptions
 17 authorizing the withholding of all or part of the public record;
 18 and

19 (B) the name and the title or position of the person responsible
 20 for the denial.

21 (d) This subsection applies to a board, a commission, a department,
 22 a division, a bureau, a committee, an agency, an office, an
 23 instrumentality, or an authority, by whatever name designated,
 24 exercising any part of the executive, administrative, judicial, or
 25 legislative power of the state. If an agency receives a request to inspect
 26 or copy a record that the agency considers to be excepted from
 27 disclosure under section 4(b)(19) of this chapter, the agency may
 28 consult with the counterterrorism and security council established
 29 under ~~IC 4-3-20~~ by **IC 10-19-8-1**. If an agency denies the disclosure
 30 of a record or a part of a record under section 4(b)(19) of this chapter,
 31 the agency or the counterterrorism and security council shall provide
 32 a general description of the record being withheld and of how
 33 disclosure of the record would have a reasonable likelihood of
 34 threatening the public safety.

35 (e) A person who has been denied the right to inspect or copy a
 36 public record by a public agency may file an action in the circuit or
 37 superior court of the county in which the denial occurred to compel the
 38 public agency to permit the person to inspect and copy the public
 39 record. Whenever an action is filed under this subsection, the public
 40 agency must notify each person who supplied any part of the public
 41 record at issue:

42 (1) that a request for release of the public record has been denied;

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and

(2) whether the denial was in compliance with an informal inquiry response or advisory opinion of the public access counselor.

Such persons are entitled to intervene in any litigation that results from the denial. The person who has been denied the right to inspect or copy need not allege or prove any special damage different from that suffered by the public at large.

(f) The court shall determine the matter de novo, with the burden of proof on the public agency to sustain its denial. If the issue in de novo review under this section is whether a public agency properly denied access to a public record because the record is exempted under section 4(a) of this chapter, the public agency meets its burden of proof under this subsection by establishing the content of the record with adequate specificity and not by relying on a conclusory statement or affidavit.

(g) If the issue in a de novo review under this section is whether a public agency properly denied access to a public record because the record is exempted under section 4(b) of this chapter:

(1) the public agency meets its burden of proof under this subsection by:

(A) proving that the record falls within any one (1) of the categories of exempted records under section 4(b) of this chapter; and

(B) establishing the content of the record with adequate specificity and not by relying on a conclusory statement or affidavit; and

(2) a person requesting access to a public record meets the person's burden of proof under this subsection by proving that the denial of access is arbitrary or capricious.

(h) The court may review the public record in camera to determine whether any part of it may be withheld under this chapter.

(i) In any action filed under this section, a court shall award reasonable attorney's fees, court costs, and other reasonable expenses of litigation to the prevailing party if:

(1) the plaintiff substantially prevails; or

(2) the defendant substantially prevails and the court finds the action was frivolous or vexatious.

The plaintiff is not eligible for the awarding of attorney's fees, court costs, and other reasonable expenses if the plaintiff filed the action without first seeking and receiving an informal inquiry response or advisory opinion from the public access counselor, unless the plaintiff can show the filing of the action was necessary because the denial of access to a public record under this chapter would prevent the plaintiff

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from presenting that public record to a public agency preparing to act on a matter of relevance to the public record whose disclosure was denied.

(j) A court shall expedite the hearing of an action filed under this section.

SECTION 3. IC 5-22-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 4. (a) A purchasing agent may make a special purchase when there exists, under emergency conditions, a threat to public health, welfare, or safety.

(b) The counterterrorism and security council established by ~~IC 4-3-20-2~~ **IC 10-19-8-1** may make a purchase under this section to preserve security or act in an emergency as determined by the governor.

SECTION 4. IC 10-14-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 2. "Agency" refers to the ~~state emergency management agency~~ **department of homeland security** established by ~~IC 10-14-2-1~~ **IC 10-19-2-1**.

SECTION 5. IC 10-14-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 4. "Director" refers to the **executive** director of the ~~agency~~ **department of homeland security** appointed under ~~IC 10-14-2-2~~ **IC 10-19-3-1**.

SECTION 6. IC 10-14-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 5. (a) For purposes of this section, "member of the military or public safety officer" means an individual who is **any of the following**:

- (1) A member of a fire department (as defined in IC 36-8-1-8).
- (2) An emergency medical service provider (as defined in IC 16-41-10-1).
- (3) A member of a police department (as defined in IC 36-8-1-9).
- (4) A correctional officer (as defined in IC 5-10-10-1.5).
- (5) A state police officer.
- (6) A county police officer.
- (7) A police reserve officer.
- (8) A county sheriff.
- (9) A deputy sheriff.
- (10) An excise police officer.
- (11) A conservation enforcement officer.
- (12) A town marshal.
- (13) A deputy town marshal.
- (14) A university ~~policy~~ **police** officer appointed under IC 20-12-3.5.
- (15) A probation officer.

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(16) A paramedic.

(17) A volunteer firefighter (as defined in IC 36-8-12-2).

(18) An emergency medical technician or a paramedic working in a volunteer capacity.

(19) A member of the armed forces of the United States.

(20) A member of the Indiana Air National Guard. ~~or~~

(21) A member of the Indiana Army National Guard.

(22) A member of a state or local emergency management agency.

(b) For purposes of this section, "dies in the line of duty" refers to a death that occurs as a direct result of personal injury or illness resulting from any action that a member of the military or public safety officer, in the member of the military's or public safety officer's official capacity, is obligated or authorized by rule, regulation, condition of employment or services, or law to perform in the course of performing the member of the military's or public safety officer's duty.

(c) If a member of the military or public safety officer dies in the line of duty, a state flag shall be presented to:

(1) the surviving spouse;

(2) the surviving children if there is no surviving spouse; or

(3) the surviving parent or parents if there is no surviving spouse and there are no surviving children.

(d) The ~~state emergency management~~ agency shall administer this section. ~~and~~

(e) The director may adopt rules under IC 4-22-2 to implement this section.

SECTION 7. IC 10-14-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 1. (a) As used in this chapter, "disaster" means an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural **phenomenon** or ~~manmade cause~~; **human act**.

(b) The term includes **any of** the following:

(1) Fire.

(2) Flood.

(3) Earthquake.

~~(4) Wind.~~

(4) Windstorm.

~~(5) Storm.~~

(5) Snowstorm.

(6) Ice storm.

(7) Tornado.

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- ~~(6)~~ (8) Wave action.
- ~~(7)~~ (9) Oil spill.
- ~~(8)~~ (10) Other water contamination requiring emergency action to avert danger or damage.
- ~~(9)~~ (11) Air contamination.
- ~~(10)~~ (12) Drought.
- ~~(11)~~ (13) Explosion.
- (14) Technological emergency.
- (15) Utility failure.
- (16) Critical shortages of essential fuels or energy.
- (17) Major transportation accident.
- (18) Hazardous material or chemical incident.
- (19) Radiological incident.
- (20) Nuclear incident.
- (21) Biological incident.
- (22) Epidemic.
- (23) Public health emergency.
- (24) Animal disease event requiring emergency action.
- (25) Blight.
- (26) Infestation.
- ~~(12)~~ (27) Riot.
- ~~(13)~~ (28) Hostile military or paramilitary action.
- (29) Act of terrorism.
- (30) Any other public calamity requiring emergency action.

SECTION 8. IC 10-14-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 11. The ~~agency~~ **director** shall adopt rules under IC 4-22-2 to carry out this chapter.

SECTION 9. IC 10-14-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 8. The ~~agency~~ **director** may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 10. IC 10-15-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 3. "Department" refers to the ~~fire and building services~~ **department of homeland security** established by ~~IC 22-12-5-1~~ **IC 10-19-2-1**.

SECTION 11. IC 10-15-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 4. "Executive director" refers to the executive director of the ~~Indiana emergency management, fire and building services, and public safety training foundation~~ established by ~~IC 10-15-2-1~~ **department of homeland security appointed under IC 10-19-3-1**.

SECTION 12. IC 10-15-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 2. (a) The foundation

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consists of ~~fifteen (15)~~ **nine (9)** voting members and four (4) nonvoting advisory members.

(b) The voting members shall be appointed by the governor. ~~The voting members are as follows:~~

(1) ~~The executive director, subject to subsection (d):~~

(2) ~~The state fire marshal:~~

(3) ~~The state building commissioner:~~

(4) ~~The deputy director of the state emergency management agency:~~

(5) ~~The deputy director of the state emergency management agency for emergency medical services:~~

(6) ~~Ten (10) individuals appointed by the governor:~~ Each Indiana congressional district must be represented by at least one (1) member who is a resident of that congressional district. Not more than five (5) of the members appointed under this ~~subdivision~~ **subsection** may represent the same political party.

(c) The four (4) nonvoting advisory members are as follows:

(1) Two (2) members, one (1) from each political party, appointed by the president pro tempore of the senate with advice from the minority leader of the senate.

(2) Two (2) members, one (1) from each political party, appointed by the speaker of the house of representatives with advice from the minority leader of the house of representatives.

~~(d) The executive director may vote for tie breaking purposes only:~~

~~(e)~~ (d) In the absence of a member, the member's vote may be cast by another member if the member casting the vote has a written proxy in proper form as required by the foundation.

SECTION 13. IC 10-15-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 3. (a) A quorum consists of ~~eight (8)~~ **five (5)** of the voting members of the foundation. ~~described in section 2(b)(2) through 2(b)(6) of this chapter:~~

(b) ~~One (1) of The following affirmative vote of at least five (5) voting members of the foundation~~ is necessary for the foundation to take action.

(1) ~~An affirmative vote by at least eight (8) of the fifteen (15) members:~~

(2) ~~A tie vote broken by the executive director:~~

SECTION 14. IC 10-15-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 5. (a) The term of each **voting** member ~~appointed under section 2(b)(6) of this chapter~~ is four (4) years.

(b) A member appointed to fill the unexpired term of a member

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serves until the end of the unexpired term.

(c) At the expiration of a member's term, the member may be reappointed if the member continues to ~~be a part of~~ **reside in** the represented ~~entity~~ **congressional district**. A person is no longer a member when the ~~person~~ **individual** ceases to be a ~~part~~ **resident** of the represented ~~entity~~ **congressional district**.

SECTION 15. IC 10-15-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 6. The terms of the **voting** members ~~appointed under section 2(b)(6) of this chapter~~ begin on July 1.

SECTION 16. IC 10-15-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 7. (a) At the foundation's first meeting after June 30 of each year, the voting members ~~appointed under section 2(b)(2) through 2(b)(6) of this chapter~~ shall select:

(1) one (1) of the voting members ~~who is not a state employee~~ to serve as chairperson; and

(2) one (1) of the voting members ~~who is not a state employee~~ to serve as vice chairperson.

(b) The vice chairperson shall exercise all the duties and powers of the chairperson in the chairperson's absence or disability.

SECTION 17. IC 10-19 IS ADDED TO THE INDIANA CODE AS A **NEW ARTICLE** TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]:

ARTICLE 19. DEPARTMENT OF HOMELAND SECURITY

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Council" refers to the counterterrorism and security council established by IC 10-19-8-1.

Sec. 3. "Department" refers to the department of homeland security established by IC 10-19-2-1.

Sec. 4. "Executive director" refers to the executive director of the department of homeland security appointed under IC 10-19-3-1.

Chapter 2. Department Established

Sec. 1. The department of homeland security is established.

Sec. 2. The department consists of the following divisions:

(1) The division of planning and assessment.

(2) The division of preparedness and training.

(3) The division of emergency response and recovery.

(4) The division of fire and building safety.

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Chapter 3. Executive Director

Sec. 1. The governor shall appoint an individual to be the executive director of the department.

Sec. 2. The executive director:

- (1) serves at the governor's pleasure; and**
- (2) is entitled to receive compensation in an amount set by the governor.**

Sec. 3. The executive director shall do the following:

- (1) Serve as the chief executive and administrative officer of the department.**
- (2) Serve as the director of the council.**
- (3) Administer the application for, and disbursement of, federal and state homeland security money for all Indiana state and local governments.**
- (4) Develop a single strategic plan for preparing and responding to homeland security emergencies in consultation with the council.**
- (5) Serve as the state coordinating officer under federal law for all matters relating to emergency and disaster mitigation, preparedness, response, and recovery.**
- (6) Use and allocate the services, facilities, equipment, personnel, and resources of any state agency, on the governor's behalf, as is reasonably necessary in the preparation for, response to, or recovery from an emergency or disaster situation that threatens or has occurred in Indiana.**
- (7) Develop a plan to protect key state assets and public infrastructure from a disaster or terrorist attack.**

Sec. 4. The executive director may appoint employees in the manner provided by IC 4-15-2 and fix their compensation, subject to the approval of the budget agency under IC 4-12-1-13.

Sec. 5. The executive director may delegate the executive director's authority to the appropriate department staff.

Sec. 6. For purposes of IC 4-21.5, the executive director, or the executive director's designee, is the ultimate authority for the department.

Sec. 7. (a) Except as provided in this section, for purposes of IC 4-22-2, the executive director is the authority that adopts rules for the department.

(b) The Indiana emergency medical services commission is the authority that adopts rules under IC 16-31.

(c) Except as provided in subsection (e) or (f), the fire

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prevention and building safety commission is the authority that adopts rules under any of the following:

(1) IC 22-11.

(2) IC 22-12.

(3) IC 22-13.

(4) IC 22-14.

(5) IC 22-15.

(d) The board of firefighting personnel standards and education is the authority that adopts rules under IC 22-14-2-7(c)(7) and IC 36-8-10.5.

(e) The boiler and pressure vessel rules board established by IC 22-12-4-1 is the authority that adopts:

(1) emergency rules under IC 22-13-2-8(c); and

(2) rules under IC 22-15-6.

(f) The regulated amusement device safety board established by IC 22-12-4.5-2 is the authority that adopts rules under IC 22-15-7.

Chapter 4. Division of Planning and Assessment

Sec. 1. The division of planning and assessment is established within the department.

Sec. 2. The division shall do the following:

(1) Develop a single strategic plan for preparing for and responding to homeland security emergencies.

(2) Assess state and local security needs.

(3) Disburse federal and state homeland security money for all Indiana state and local governments.

Sec. 3. The executive director shall appoint an individual as a deputy executive director to manage the division.

Chapter 5. Division of Preparedness and Training

Sec. 1. The division of preparedness and training is established within the department.

Sec. 2. The division shall administer the following:

(1) IC 10-15.

(2) All other state emergency management and response training programs.

Sec. 3. The executive director shall appoint an individual as a deputy executive director to manage the division.

Sec. 4. The deputy executive director appointed under section 3 of this chapter shall serve as the vice chair of the law enforcement training board under IC 5-2-1-3.

Sec. 5. The executive director may adopt rules under IC 4-22-2 to establish continuing education requirements relating to any certifications issued by the division.

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Chapter 6. Division of Emergency Response and Recovery

Sec. 1. The division of emergency response and recovery is established within the department.

Sec. 2. The division shall do the following:

(1) Administer IC 10-14.

(2) Administer the state's emergency operations functions during an emergency.

Sec. 3. The executive director shall appoint an individual as a deputy executive director to manage the division.

Chapter 7. Division of Fire and Building Safety

Sec. 1. The division of fire and building safety is established within the department.

Sec. 2. The division shall administer the following:

(1) IC 16-31.

(2) IC 22-11.

(3) IC 22-12.

(4) IC 22-13.

(5) IC 22-14.

(6) IC 22-15.

Sec. 3. (a) The state fire marshal appointed under IC 22-14-2-2 shall do the following:

(1) Serve as the deputy executive director of the division.

(2) Administer the division.

(3) Provide staff to support the fire prevention and building safety commission established by IC 22-12-2-1.

(b) The state fire marshal may not exercise any powers or perform any duties specifically assigned to either of the following:

(1) The fire prevention and building safety commission.

(2) The building law compliance officer.

(c) The state fire marshal may delegate the state fire marshal's authority to the appropriate division staff.

Sec. 4. (a) The division shall employ a building law compliance officer.

(b) An individual must be a design professional with not less than ten (10) years of experience in the building trades industry to be the building law compliance officer.

(c) The building law compliance officer shall administer the building safety laws (as defined in IC 22-12-1-3).

Chapter 8. Counterterrorism and Security Council

Sec. 1. The counterterrorism and security council is established.

Sec. 2. (a) The council consists of the following members:

(1) The lieutenant governor.

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(2) The executive director.

(3) The superintendent of the state police department.

(4) The adjutant general.

(5) The state health commissioner.

(6) The commissioner of the department of environmental management.

(7) The assistant commissioner of agriculture.

(8) The chairman of the Indiana utility regulatory commission.

(9) The commissioner of the Indiana department of transportation.

(10) The executive director of the Indiana criminal justice institute.

(11) The commissioner of the bureau of motor vehicles.

(12) A local law enforcement officer or a member of the law enforcement training academy appointed by the governor.

(13) The speaker of the house of representatives or the speaker's designee.

(14) The president pro tempore of the senate or the president pro tempore's designee.

(15) The chief justice of the supreme court.

(b) The members of the council under subsection (a)(13), (a)(14), and (a)(15) are nonvoting members.

(c) Representatives of the United States Department of Justice may serve as members of the council as the council and the Department of Justice may determine. Any representatives of the Department of Justice serve as nonvoting members of the council.

Sec. 3. The lieutenant governor shall serve as the chair of the council and in this capacity report directly to the governor.

Sec. 4. (a) The council shall do the following:

(1) Develop a strategy in concert with the department to enhance the state's capacity to prevent and respond to terrorism.

(2) Develop a counterterrorism plan in conjunction with relevant state agencies, including a comprehensive needs assessment.

(3) Review each year and update when necessary the plan developed under subdivision (2).

(4) Develop in concert with the department a counterterrorism curriculum for use in basic police training and for advanced in-service training of veteran law enforcement officers.

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(5) Develop affiliates of the council to coordinate local efforts and serve as the point of contact for the council and the United States Department of Homeland Security.

(6) Develop a plan for sharing intelligence information across multiple federal, state, and local law enforcement and homeland security agencies.

(b) The council shall report periodically its findings and recommendations to the governor.

Sec. 5. (a) The executive director may employ staff for the council, subject to the approval of the governor.

(b) The executive director shall serve as:

(1) the central coordinator for counterterrorism issues; and

(2) the state's point of contact for:

(A) the Office for Domestic Preparedness in the United States Department of Justice; and

(B) the United States Department of Homeland Security.

Sec. 6. (a) The expenses of the council shall be paid from appropriations made by the general assembly.

(b) Money received by the council as a grant or a gift is appropriated for the purposes of the grant or the gift.

Sec. 7. (a) Each member of the council who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for travel expenses as provided in IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the council who is a state employee but who is not a member of the general assembly is entitled to reimbursement for travel expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member of the council who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

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1 **Sec. 8. The affirmative votes of a majority of the voting**
 2 **members of the council are required for the council to take action**
 3 **on any measure, including final reports.**

4 **Sec. 9. (a) The council may receive confidential law enforcement**
 5 **information from the state police department, the Federal Bureau**
 6 **of Investigation, or other federal, state, or local law enforcement**
 7 **agencies.**

8 **(b) For purposes of IC 5-14-1.5 and IC 5-14-3, information**
 9 **received under subsection (a) is confidential.**

10 **Sec. 10. All state agencies shall cooperate to the fullest extent**
 11 **possible with the council and the executive director to implement**
 12 **this chapter.**

13 **Chapter 9. Public Safety Training**

14 **Sec. 1. As used in this chapter, "division" refers to the division**
 15 **of preparedness and training.**

16 **Sec. 2. As used in this chapter, "public safety service provider"**
 17 **or "provider" means an officer or employee of the state, an officer**
 18 **or employee of a governmental unit, or a volunteer who is engaged**
 19 **in at least one (1) of the following activities:**

20 **(1) Firefighting.**

21 **(2) Emergency management.**

22 **(3) Environmental management.**

23 **(4) Fire or building inspection.**

24 **(5) Emergency medical service.**

25 **(6) Any other public safety or homeland security activity that**
 26 **the division may designate.**

27 **Sec. 3. (a) The division shall develop and provide a training**
 28 **program for public safety service providers.**

29 **(b) Participation in the training program is optional for a**
 30 **provider.**

31 **Sec. 4. Subject to section 3(b) of this chapter, the division shall**
 32 **establish and conduct advanced training programs in public safety**
 33 **and homeland security subjects on a voluntary enrollment basis.**
 34 **The division may offer courses to any public safety service**
 35 **provider that the division determines will benefit from the training.**

36 **Sec. 5. The division may establish training facilities at which the**
 37 **division provides programs. The division shall establish policies**
 38 **and procedures for the use of any training facilities that the**
 39 **division establishes.**

40 **Sec. 6. The division may recommend or conduct studies or**
 41 **surveys. The division may require reports from the chief executive**
 42 **of a governmental or volunteer provider organization for the**

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purposes of this chapter.

Sec. 7. The division may originate, compile, and disseminate training materials to providers.

Sec. 8. The division may establish a system of issuing diplomas or certificates for persons who successfully complete the division's training programs.

Sec. 9. Upon request, the division may assist a provider organization in the development of training programs for the organization's personnel.

Sec. 10. The division may consult, cooperate, or contract with the law enforcement training board, a college or university, or any other individual or entity for the development and providing of courses of study for public safety service providers.

Sec. 11. (a) The division's facilities are available for the training of any public safety or health services provider that the division determines will benefit from the training.

(b) The division shall determine the terms and conditions for use of the division's facilities by the providers listed in subsection (a).

Sec. 12. The division may establish fee schedules and charges for the following:

- (1) Items or services provided by the division under this chapter.
- (2) Training conducted by the division under this chapter.
- (3) Other division activities conducted under this chapter.

Sec. 13. The division may accept gifts and grants from any source and use them for the purposes of this chapter.

Sec. 14. The division may perform any other acts that are necessary or appropriate to implement this chapter.

Sec. 15. The executive director may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 18. IC 16-18-2-96 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 96. (a) "Director", for purposes of IC 16-19-13, refers to the director of the office of women's health established by IC 16-19-13.

(b) "Director", for purposes of IC 16-27, means the individual acting under the authority of and assigned the responsibility by the state health commissioner to implement IC 16-27.

(c) "Director", for purposes of IC 16-28, IC 16-29, and IC 16-30, means the individual acting under the authority of and assigned the responsibility by the state health commissioner to implement IC 16-28, IC 16-29, and IC 16-30.

(d) "Director", for purposes of IC 16-31, refers to the **executive**

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1 director of the ~~state emergency management agency~~ **department of**
 2 **homeland security** established ~~under IC 10-14-2-1~~ **by IC 10-19-2-1**.

3 (e) "Director", for purposes of IC 16-35-2, refers to the director of
 4 the program for children with special health care needs.

5 SECTION 19. IC 16-31-3-2 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 2. The commission
 7 shall establish standards for persons required to be certified by the
 8 commission to provide emergency medical services. To be certified, a
 9 person must meet the following minimum requirements:

10 (1) The personnel certified under this chapter must do the
 11 following:

12 (A) Meet the standards for education and training established
 13 by the commission by rule.

14 (B) Successfully complete a basic or an inservice course of
 15 education and training on sudden infant death syndrome that
 16 is certified by the Indiana emergency medical services
 17 commission (created under IC 16-31-2-1) in conjunction with
 18 the state health commissioner.

19 (2) Ambulances to be used must conform with the requirements
 20 of the commission and must either be:

21 (A) covered by insurance issued by a company licensed to do
 22 business in Indiana in the amounts and under the terms
 23 required in rules adopted by the commission; ~~taking into~~
 24 ~~consideration recommendations of the technical advisory~~
 25 ~~committee; or~~

26 (B) owned by a governmental entity covered under IC 34-13-3.

27 (3) Emergency ambulance service shall be provided in accordance
 28 with rules adopted by the commission. ~~taking into consideration~~
 29 ~~recommendations of the advisory committee concerning staffing,~~
 30 ~~equipping, and operating procedures.~~ However, the rules adopted
 31 under this chapter may not prohibit the dispatch of an ambulance
 32 to aid an emergency patient because an emergency medical
 33 technician is not immediately available to staff the ambulance.

34 (4) Ambulances must be equipped with a system of emergency
 35 medical communications approved by the commission. The
 36 emergency medical communication system must properly
 37 integrate and coordinate appropriate local and state emergency
 38 communications systems and reasonably available area
 39 emergency medical facilities with the general public's need for
 40 emergency medical services.

41 (5) Emergency medical communications shall be provided in
 42 accordance with rules adopted by the commission. ~~taking into~~

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consideration recommendations of the technical advisory committee concerning such matters.

(6) A nontransporting emergency medical services vehicle must conform with the commission's requirements.

SECTION 20. IC 16-31-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 3. (a) A certificate is not required for a person who provides emergency ambulance service, an emergency medical technician, **an emergency medical technician-basic advanced**, an ambulance, a nontransporting emergency medical services vehicle, or advanced life support when doing any of the following:

(1) Providing assistance to persons certified to provide emergency ambulance service or to emergency medical technicians.

(2) Operating from a location or headquarters outside Indiana to provide emergency ambulance services to patients who are picked up outside Indiana for transportation to locations within Indiana.

(3) Providing emergency medical services during a major catastrophe or disaster with which persons or ambulances certified to provide emergency ambulance services are insufficient or unable to cope.

(b) An agency or instrumentality of the United States and any paramedic, ~~or advanced emergency technician~~ **emergency medical technician-intermediate, emergency medical technician-basic advanced, emergency medical technician, or first responder** of the agency or instrumentality is not required to:

(1) be certified; or

(2) conform to the standards prescribed under this chapter.

SECTION 21. IC 16-31-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 14. (a) A person holding a certificate issued under this article must comply with the applicable standards and rules established under this article. A certificate holder is subject to disciplinary sanctions under subsection (b) if the state emergency management agency determines that the certificate holder:

(1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate, including cheating on a certification examination;

(2) engaged in fraud or material deception in the course of professional services or activities;

(3) advertised services or goods in a false or misleading manner;

(4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing

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education courses required under this article or rules adopted under this article;

(5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder should be entrusted to provide emergency medical services;

(6) is convicted of violating IC 9-19-14.5;

(7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;

(8) continues to practice if the certificate holder becomes unfit to practice due to:

(A) professional incompetence that includes the undertaking of professional activities that the certificate holder is not qualified by training or experience to undertake;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's ability to practice safely;

(9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(10) allows the certificate holder's name or a certificate issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;

(11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;

(12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(13) allows a certificate issued by the commission to be:

(A) used by another person; or

(B) displayed to the public when the certificate is expired, inactive, invalid, revoked, or suspended.

(b) The state emergency management agency may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the state emergency management agency determines that

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a certificate holder is subject to disciplinary sanctions under subsection

(a):

(1) Revocation of a certificate holder's certificate for a period not to exceed seven (7) years.

(2) Suspension of a certificate holder's certificate for a period not to exceed seven (7) years.

(3) Censure of a certificate holder.

(4) Issuance of a letter of reprimand.

(5) Assessment of a civil penalty against the certificate holder in accordance with the following:

(A) The civil penalty may not exceed five hundred dollars (\$500) per day per violation.

(B) If the certificate holder fails to pay the civil penalty within the time specified by the state emergency management agency, the state emergency management agency may suspend the certificate holder's certificate without additional proceedings.

(6) Placement of a certificate holder on probation status and requirement of the certificate holder to:

(A) report regularly to the state emergency management agency upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the state emergency management agency;

(C) continue or renew professional education approved by the state emergency management agency until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the state emergency management agency considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder.

The state emergency management agency may withdraw or modify this probation if the state emergency management agency finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a certificate holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate, including cheating on the certification examination, the state emergency management agency may rescind the certificate if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate

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for a length of time established by the state emergency management agency.

(d) The state emergency management agency may deny certification to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder, has had disciplinary action taken against the applicant or the applicant's certificate to practice in another state or jurisdiction, or has practiced without a certificate in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The state emergency management agency may order a certificate holder to submit to a reasonable physical or mental examination if the certificate holder's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a state emergency management agency order to submit to a physical or mental examination makes a certificate holder liable to temporary suspension under subsection (i).

(f) Except as provided under subsection (a), **subsection (g)**, and section 14.5 of this chapter, a certificate may not be denied, revoked, or suspended because the applicant or certificate holder has been convicted of an offense. The acts from which the applicant's or certificate holder's conviction resulted may be considered as to whether the applicant or certificate holder should be entrusted to serve the public in a specific capacity.

(g) The state emergency management agency may deny, suspend, or revoke a certificate issued under this ~~chapter~~ **article** if the individual who holds or is applying for the certificate is convicted of any of the following:

- (1) Possession of cocaine, a narcotic drug, or methamphetamine under IC 35-48-4-6.
- (2) Possession of a controlled substance under IC 35-48-4-7(a).
- (3) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- (4) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- (5) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- (6) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- (7) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.
- (8) Maintaining a common nuisance under IC 35-48-4-13.



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(9) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).

(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).

(12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described by subdivisions (1) through (11).

(h) A decision of the state emergency management agency under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The state emergency management agency may temporarily suspend a certificate holder's certificate under IC 4-21.5-4 before a final adjudication or during the appeals process if the state emergency management agency finds that a certificate holder would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the state emergency management agency must initiate an investigation against the person.

(k) The state emergency management agency shall conduct a factfinding investigation as the state emergency management agency considers proper in relation to the complaint.

(l) The state emergency management agency may reinstate a certificate that has been suspended under this section if the state emergency management agency is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the state emergency management agency may impose disciplinary or corrective measures authorized under this chapter.

(m) The state emergency management agency may not reinstate a certificate that has been revoked under this chapter.

(n) The state emergency management agency must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the state emergency management agency's findings or orders.

(o) A certificate holder may not surrender the certificate holder's

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1 certificate without the written approval of the state emergency
 2 management agency, and the state emergency management agency may
 3 impose any conditions appropriate to the surrender or reinstatement of
 4 a surrendered certificate.

5 (p) For purposes of this section, "certificate holder" means a person
 6 who holds:

- 7 (1) an unlimited certificate;
- 8 (2) a limited or probationary certificate; or
- 9 (3) an inactive certificate.

10 SECTION 22. IC 16-31-3.5-2 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 2. This chapter does
 12 not apply to **the following**:

13 (1) A person who solely dispatches prescheduled emergency
 14 medical transports.

15 (2) **A person who provides emergency medical dispatching**
 16 **during a major catastrophe or disaster with which individuals**
 17 **or dispatch agencies certified to provide emergency medical**
 18 **dispatching are unable to cope.**

19 SECTION 23. IC 16-31-3.5-3 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 3. (a) ~~After~~ **After**
 21 **December 31, 2006, an** individual may not furnish, operate, conduct,
 22 maintain, or advertise services as an emergency medical dispatcher or
 23 otherwise be engaged as an emergency medical dispatcher unless that
 24 individual is certified by the commission as an emergency medical
 25 dispatcher.

26 (b) ~~After December 31, 2006, a~~ person may not furnish, operate,
 27 conduct, maintain, or advertise services as an emergency medical
 28 dispatcher or otherwise be engaged as an emergency medical dispatch
 29 agency unless certified by the commission as an emergency medical
 30 dispatch agency.

31 SECTION 24. IC 16-31-3.5-4 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 4. (a) To be certified
 33 as an emergency medical dispatcher, an individual must:

- 34 (1) meet the standards for education and training established by
 35 the commission;
- 36 (2) successfully complete a written competency examination
 37 approved by the commission; and
- 38 (3) pay the fee established by the commission.

39 (b) An emergency medical dispatcher certificate expires **on the**
 40 **expiration date established when it is issued, which must be at least**
 41 two (2) years after the date of its issuance. To renew a certificate, an
 42 emergency medical dispatcher must:

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(1) meet the education and training renewal standards established by the commission; and

(2) pay the fee established by the commission.

(c) An emergency medical dispatcher must follow protocols, procedures, standards, and policies established by the commission.

(d) An emergency medical dispatcher shall keep the commission informed of the entity or agency that employs or supervises the dispatcher's activities as an emergency medical dispatcher.

(e) An emergency medical dispatcher shall report to the commission whenever an action has taken place that may justify the revocation or suspension of a certificate issued by the commission.

SECTION 25. IC 16-31-3.5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: **Sec. 4.5. (a) A temporary emergency medical dispatcher certificate may be issued by the state emergency management agency. To obtain a temporary certificate, an individual must do the following:**

(1) Meet the standards established by the commission. The commission's standards must include a declaration by a certified emergency medical dispatch agency that the certified emergency medical dispatch agency is temporarily unable to secure a certified emergency medical dispatcher.

(2) Pay the fee established by the commission.

(b) A temporary emergency medical dispatcher certificate is valid:

(1) for sixty (60) days after the date of issuance; and

(2) only for emergency medical dispatching performed for the emergency medical dispatching agency that supported the temporary certification.

(c) A temporary emergency medical dispatcher certificate issued under this section may be renewed for one (1) subsequent sixty (60) day period. To renew the temporary certification, the certificate holder must submit the same information and fee required for the original temporary certification.

SECTION 26. IC 16-31-3.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: **Sec. 5. (a) To be certified as an emergency medical dispatch agency, a person must:**

(1) meet the standards established by the commission; and

(2) pay the fee established by the commission.

(b) An emergency medical dispatch agency certificate expires **on the expiration date established when it is issued, which must be at least two (2) years after the date of its issuance.** To renew a certificate,

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an emergency medical dispatch agency must:

(1) meet the renewal requirements established by the commission;
and

(2) pay the fee established by the commission.

(c) The emergency medical dispatch agency must be operated in a safe, efficient, and effective manner in accordance with commission approved standards that include the following requirements:

(1) All personnel providing emergency medical dispatch services must be certified as emergency medical dispatchers by the commission before functioning alone in an online capacity.

(2) The protocols, procedures, standards, and policies used by an emergency medical dispatch agency to dispatch emergency medical aid must comply with the requirements established by the commission.

(3) The commission must require the emergency medical dispatch agency to appoint a dispatch medical director to provide supervision and oversight over the medical aspects of the operation of the emergency medical dispatch agency.

(d) The commission may require the submission of periodic reports from an emergency medical dispatch agency. The emergency medical dispatch agency must submit the reports in the manner and with the frequency required by the commission.

(e) An emergency medical dispatch agency shall report to the commission whenever an action occurs that may justify the revocation or suspension of a certificate issued by the commission.

SECTION 27. IC 16-31-3.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 6. (a) The commission must require emergency medical dispatchers to participate in continuing emergency medical dispatch education and training.

(b) An emergency medical dispatcher education and training course must: ~~be~~

(1) **meet the curriculum and standards** approved by the commission; and ~~must~~

(2) be conducted by an instructor or instructors that meet qualifications established by the commission.

(c) A person may not offer or conduct a training course that is represented as a course for emergency medical dispatcher certification unless the course is approved by the ~~commission~~ **state emergency management agency** and the instructor or instructors meet the qualifications established by the commission.

SECTION 28. IC 16-31-8.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 1. As used in this

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chapter, "agency" refers to the ~~state emergency management agency~~
~~department of homeland security~~ established by ~~IC 10-14-2-1.~~
IC 10-19-2-1.

SECTION 29. IC 16-31-8.5-3 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 3. (a) The emergency
 medical services fund is established to defray the personal services
 expense, other operating expense, and capital outlay of the:

- (1) commission; and
- (2) employees of the agency.

(b) The fund includes money collected under IC 16-31-3.5.

SECTION 30. IC 16-31-8.5-4 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 4. (a) The agency
 shall administer the fund.

**(b) The agency shall deposit money collected under IC 16-31-3.5
 in the fund at least monthly.**

(c) Expenses of administering the fund shall be paid from money in
 the fund.

SECTION 31. IC 22-12-1-3 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 3. "Building law"
 means any ~~fire safety law~~; equipment law or other law governing any
 of the following:

- (1) Fabrication of an industrialized building system or mobile
 structure for installation, assembly, or use at another site.
- (2) Construction, addition, or alteration of any part of a Class 1 or
 Class 2 structure at the site where the structure will be used.
- (3) Assembly of an industrialized building system or mobile
 structure that is covered by neither subdivision (1) nor (2).

SECTION 32. IC 22-12-1-9 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 9. "Department"
 refers to the ~~fire and building services~~ department of **homeland
 security established by IC 10-19-2-1.**

SECTION 33. IC 22-12-2-2 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 2. (a) The
 commission consists of ~~nineteen (19) voting~~ **eleven (11)** members, ~~and~~
~~two (2) nonvoting members.~~ **nine (9) of whom shall be appointed by**
 the governor. ~~shall appoint seventeen (17) voting members to the~~
~~commission, each to~~

(b) serve a The term of a **commission member** is four (4) years.

(c) The state health commissioner or the commissioner's designee
 shall serve as a ~~voting~~ member of the commission, and the
 commissioner of labor or the commissioner's designee shall serve as a
~~voting~~ member of the commission. ~~The state fire marshal and the state~~

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building commissioner shall serve as nonvoting members of the commission.

(b) (d) Each appointed member of the commission must have a recognized interest, knowledge, and experience in the field of fire prevention, fire protection, building safety, or other related matters.

(c) The appointed members of governor shall consider appointing individuals to the commission must include with experience in the following:

- (1) One (1) member of A paid fire department.
- (2) One (1) member of A volunteer fire department.
- (3) One (1) individual in The field of fire insurance.
- (4) One (1) individual in The fire service industry.
- (5) One (1) individual in The manufactured housing industry.
- (6) One (1) individual in The field of fire protection engineering.
- (7) One (1) professional engineer.
- (7) As a professionally licensed engineer.
- (8) One (1) Building contractor: contracting.
- (9) One (1) individual in The field of building one (1) and two (2) family dwellings.
- (10) One (1) registered architect.
- (10) As a professionally licensed architect.
- (11) One (1) individual engaged in The design or construction of heating, ventilating, air conditioning, or plumbing systems.
- (12) One (1) individual engaged in The design or construction of regulated lifting devices.
- (13) One (1) building commissioner or building inspector of a City, town, or county building inspection.
- (14) One (1) individual in an industry that operates Regulated amusement devices.
- (15) One (1) individual who is knowledgeable in Accessibility requirements and who has personal experience with a disability.
- (16) One (1) individual who represents owners, operators, and installers of Underground and aboveground motor fuel storage tanks and dispensing systems.
- (17) One (1) individual in The masonry trades.
- (18) Energy conservation codes and standards, including the manner in which energy conservation codes and standards apply to:
 - (A) residential;
 - (B) single and multiple family dwelling; or
 - (C) commercial;
 building codes.

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(d) (e) Not more than ~~ten (10)~~ **five (5)** of the appointed members of the commission may be affiliated with the same political party.

(e) An appointed member of the commission may not serve more than two (2) consecutive terms. However, any part of an unexpired term served by a member filling a vacancy does not count toward this limitation.

SECTION 34. IC 22-12-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 5. The ~~commission~~ **governor** shall annually elect a chairperson from among its members. **appoint a member of the commission to be the commission's chair.**

(b) The member appointed by the governor serves as the **commission's chair at the governor's pleasure.**

SECTION 35. IC 22-12-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 6. (a) The commission shall meet at least quarterly.

(b) A quorum of the commission consists of ~~ten (10)~~ **six (6)** members. IC 4-21.5-3-3 applies to a commission action governed by IC 4-21.5. The ~~commission~~ may take other actions by an affirmative vote of:

(1) nine (9) members; if less than nineteen (19) voting members are present and voting on the action; or

(2) ten (10) members; if nineteen (19) members are present and voting on the action.

(c) In the case of a tie vote on an action of the commission, the deciding vote shall be cast by the:

(1) state fire marshal; in even-numbered years; or

(2) state building commissioner; in odd-numbered years.

SECTION 36. IC 22-13-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 10. (a) A county, city, or town may regulate regulated lifting devices if the unit's regulatory program is approved by the commission.

(b) A unit must submit its ordinances and other regulations that regulate lifting devices to the commission for approval. The ordinance or other regulation is not effective until it is approved by the commission. If any of these ordinances or regulations conflict with the commission's rules, the commission's rules supersede the local ordinance or other regulation.

(c) A unit may issue permits only to applicants who qualify under IC 22-15-5. However, the unit may specify a lesser fee than that set under IC 22-12-6-6(a)(7).

(d) A unit must inspect regulated lifting devices with inspectors who possess the qualifications necessary to be employed by the ~~office of the~~

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1 ~~state division of fire and building commissioner~~ **safety of the**
 2 **department of homeland security** as a regulated lifting device
 3 inspector.

4 SECTION 37. IC 22-13-5-1 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 1. As used in this
 6 chapter, "interested person" refers to a person that has a dispute with
 7 a county or a municipality regarding the interpretation of a building law
 8 **or a fire safety law.**

9 SECTION 38. IC 22-13-5-2 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 2. (a) Upon the
 11 written request of an interested person, the ~~office of the state building~~
 12 ~~commissioner law compliance officer in the department of~~
 13 **homeland security** may issue a written interpretation of a building law
 14 **or a fire safety law.** An interpretation issued by the ~~office of the state~~
 15 ~~building commissioner law compliance officer in the department of~~
 16 **homeland security** must be consistent with building laws **and fire**
 17 **safety laws** enacted by the general assembly or adopted by the
 18 commission.

19 (b) The ~~office of the state building commissioner law compliance~~
 20 ~~officer in the department of homeland security~~ may issue a written
 21 interpretation of a building law **or fire safety law** under subsection (a)
 22 whether or not the county or municipality has taken any action to
 23 enforce the building law **or fire safety law.**

24 SECTION 39. IC 22-13-5-4 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 4. (a) A written
 26 interpretation of a building law **or fire safety law** binds all counties
 27 and municipalities if the ~~office of the state building commissioner law~~
 28 ~~compliance officer in the department of homeland security~~
 29 publishes the written interpretation of the building law **or fire safety**
 30 **law** in the Indiana Register under IC 4-22-7-7(b). For purposes of
 31 IC 4-22-7-7, a written interpretation of a building law **or fire safety**
 32 **law** published by the ~~office of the state building commissioner law~~
 33 ~~compliance officer in the department of homeland security~~ is
 34 considered adopted by an agency.

35 (b) A written interpretation of a building law **or fire safety law**
 36 published under subsection (a) binds all counties and municipalities
 37 until the earlier of the following:

38 (1) The general assembly enacts a statute that substantively
 39 changes the building law **or fire safety law** interpreted or voids
 40 the written interpretation.

41 (2) The commission adopts a rule under IC 4-22-2 to state a
 42 different interpretation of the building law **or fire safety law.**

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(3) The written interpretation is found to be an erroneous interpretation of the building law **or fire safety law** in a judicial proceeding.

(4) The ~~office of the state building commissioner~~ **law compliance officer in the department of homeland security** publishes a different written interpretation of the building law **or fire safety law**.

SECTION 40. IC 22-14-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 4. "Office" refers to the ~~office of the state fire marshal~~ **division of fire and building safety established by IC 10-19-7-1**.

SECTION 41. IC 22-14-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 7. (a) This section does not limit the powers, rights, duties, and other responsibilities of municipal or county governments or impose requirements affecting pension laws or any other laws.

(b) This section does not require a member of a fire department to be certified.

(c) The education board may:

- (1) certify firefighting training and education programs that meet the standards set by the education board;
- (2) certify fire department instructors who meet the qualifications set by the education board;
- (3) direct research in the field of firefighting and fire prevention and accept gifts and grants to direct this research;
- (4) recommend curricula for advanced training courses and seminars in fire science or fire engineering training to public and private institutions of higher education;
- (5) certify fire service personnel and nonfire service personnel who meet the qualifications set by the education board;
- (6) require fire service personnel certified at any ~~instructor~~ level to fulfill continuing education requirements in order to maintain certification;
- (7) contract or cooperate with any person and adopt rules under IC 4-22-2 to carry out its responsibilities under this section; or
- (8) grant a variance to a rule the education board has adopted.

SECTION 42. IC 22-15-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 2. (a) This section applies to a provision of this article that requires an applicant for a certification, registration, permit, approval, or other license to:

- (1) demonstrate that the person is in compliance with all building laws, **fire safety laws**, or equipment laws; or

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(2) submit proof that a person is acting or will act in conformity with all building laws, **fire safety laws**, or equipment laws.

(b) Compliance with the conditions of a variance issued under IC 22-13-2-11 shall be treated under this article as compliance with the building law, **fire safety law**, or equipment law from which the variance is granted.

SECTION 43. IC 22-15-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 4. "Office" refers to the ~~office of the state building commissioner~~; **division of fire and building safety established by IC 10-19-7-1**.

SECTION 44. IC 22-15-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 1. (a) The ~~office building law compliance officer employed under IC 10-19-7-4~~ shall issue a design release for:

(1) the construction of a Class 1 structure to an applicant who qualifies under section 2 or 3 of this chapter; and

(2) the fabrication of an industrial building system or mobile structure under section 4 of this chapter.

(b) ~~The office may not issue a design release until the plans and specifications submitted with the application have been:~~

(1) presented to the office of the state fire marshal by the office; and

(2) approved in writing by the office of the state fire marshal.

(c) A meeting between the executive director of the department, the state building commissioner, and the state fire marshal may be called by the executive director:

(1) upon request of the state building commissioner or the state fire marshal, if the state building commissioner and the state fire marshal cannot agree on the issuance of a design release; or

(2) upon request of the applicant for the design release, if the office and the office of the state fire marshal have not acted to issue or deny the design release within a reasonable time after the application is submitted to the office.

(d) At a meeting called under subsection (c), the executive director of the department, the state building commissioner, and the state fire marshal shall review the application for a design release and shall, by majority vote, issue a final decision.

(e) ~~Subject to subsection (b);~~ (b) The ~~office building law compliance officer~~ may issue a design release based on a plan review performed by a city, town, or county if:

(1) the ~~state building commissioner~~ **law compliance officer** has certified that the city, town, or county is competent; and

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(2) the city, town, or county has adopted the rules of the commission under IC 22-13-2-3.

~~(f)~~ (c) For the purposes of subsection (e)(1), competency must be established by a test approved by the commission and administered by the division of education and information.

~~(g)~~ (d) A design release issued under this chapter expires on the date specified in the rules adopted by the commission.

SECTION 45. IC 22-15-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 2. To qualify for a design release under this section, an applicant must:

(1) demonstrate, through the submission of plans and specifications for the construction covered by the application, that the construction will comply with all applicable building laws **and fire safety laws;**

(2) pay the fees set under IC 22-12-6-6;

(3) have the plans and specifications:

(A) prepared by a registered architect or professional engineer who is:

(i) competent to design the construction covered by the application as determined by the office; and

(ii) registered under IC 25-4 or IC 25-31;

(B) include on each page of all drawings and the title page of all specifications the seal of the registered architect or professional engineer described by clause (A) or the person's technical or professional staff; and

(C) filed by the registered architect or professional engineer described by clause (A) or the person's technical or professional staff; and

(4) submit a certificate prepared on a form provided by the office and sworn or affirmed under penalty of perjury by the registered architect or professional engineer described in subdivision (3)(A):

(A) providing an estimate of the cost of the construction covered by the application, its square footage, and any other information required under the rules of the commission;

(B) stating that the plans and specifications submitted for the application were prepared either by or under the immediate supervision of the person making the statement;

(C) stating that the plans and specifications submitted for the application provide for construction that will meet all building laws; and

(D) stating that the construction covered by the application will be subject to inspection at intervals appropriate to the

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stage of the construction by a registered architect or professional engineer identified in the statement for the purpose of determining in general if work is proceeding in accordance with the released plans and specifications.

SECTION 46. IC 22-15-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 3. (a) This section applies only to an application for a design release to construct:

- (1) A Class 1 structure with thirty thousand (30,000) or fewer cubic feet of space;
- (2) An addition to a Class 1 structure, if the addition adds thirty thousand (30,000) or fewer cubic feet of space;
- (3) An alteration to a Class 1 structure, if the alteration does not involve changes affecting the structural safety of the Class 1 structure; or
- (4) An installation or alteration of an automatic fire sprinkler system in a Class 1 structure by persons qualified pursuant to rules set forth by the fire prevention and building safety commission.

(b) To qualify for a design release under this section, an applicant must **do the following:**

- (1) Demonstrate, through the submission of plans and specifications for the construction covered by the application, that the construction will comply with all applicable building laws and **fire safety laws.**
- (2) Pay the fees set under IC 22-12-6-6.

SECTION 47. IC 22-15-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 4. (a) This section applies to a design release for the fabrication of a model or other series of similar industrialized building systems or mobile structures.

(b) To qualify for a design release under this section, an applicant must:

- (1) demonstrate, through the submission of plans and specifications for the construction covered by the application, that the construction will comply with all applicable building laws **and fire safety laws;**
- (2) have the submitted plans and specifications prepared by an architect registered under IC 25-4 or a professional engineer registered under IC 25-31, if required under the rules adopted by the commission; and
- (3) pay the fees set under IC 22-12-6-6.

SECTION 48. IC 22-15-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 1. (a) The office shall

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certify an industrialized building system for use in Indiana to an applicant who qualifies under this section. If an applicant qualifies for certification under this section, the office shall provide the applicant with a seal for the certified industrial building system.

(b) To qualify for a certification under this section, an applicant must:

(1) submit proof that the office has issued a design release under IC 22-15-3 for the model or series of industrialized building systems being constructed;

(2) demonstrate, in an in-plant inspection, that the industrialized building system covered by the application has been constructed in conformity with all applicable building laws **and fire safety laws**; and

(3) pay the fee set by the commission under IC 22-12-6-6.

(c) The exemption under IC 22-13-4-2 applies to an industrialized building system certified under this section.

SECTION 49. IC 22-15-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 2. (a) The office shall certify a mobile structure for sale and use in Indiana for an applicant who qualifies under this section. If an applicant qualifies for certification under this section, the office shall provide the applicant with a seal for the certified mobile structure.

(b) To qualify for certification under this section, an applicant must:

(1) submit proof that the office has issued a design release under IC 22-15-3 for the model or series of mobile structures being constructed;

(2) demonstrate, in an in-plant inspection, that the mobile structure covered by the application has been constructed in conformity with all applicable building laws **and fire safety laws**;

(3) certify in an affidavit that a seal provided by the office will not be attached to a mobile structure that does not conform to the requirements adopted by the commission in its rules; and

(4) pay the fee set by the commission under IC 22-12-6-6.

(c) The exemption under IC 22-13-4-2 applies to a mobile structure certified under this chapter.

SECTION 50. IC 36-7-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 9. Each unit shall require compliance with:

(1) the code of building laws **and fire safety laws** that is adopted in the rules of the fire prevention and building safety commission under IC 22-13;

(2) orders issued under IC 22-13-2-11 that grant a variance to the

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code of building laws **and fire safety laws** described in subdivision (1);
 (3) orders issued under IC 22-12-7 that apply the code of building laws described in subdivision (1);
 (4) IC 22-15-3-7; and
 (5) a written interpretation of a building law **and fire safety law** binding on the unit under IC 22-13-5-3 or IC 22-13-5-4.

SECTION 51. IC 4-3-20 IS REPEALED [EFFECTIVE APRIL 15, 2005].

SECTION 52. IC 5-2-10.5 IS REPEALED [EFFECTIVE APRIL 15, 2005].

SECTION 53. THE FOLLOWING ARE REPEALED [EFFECTIVE APRIL 15, 2005]: IC 10-14-2-1; IC 10-14-2-2; IC 10-14-2-3.

SECTION 54. THE FOLLOWING ARE REPEALED [EFFECTIVE APRIL 15, 2005]: IC 10-15-1-2; IC 10-15-1-7.

SECTION 55. IC 16-31-3-19 IS REPEALED [EFFECTIVE APRIL 15, 2005].

SECTION 56. THE FOLLOWING ARE REPEALED [EFFECTIVE APRIL 15, 2005]: IC 22-12-5; IC 22-14-2-1; IC 22-14-2-3; IC 22-15-2-1; IC 22-15-2-2; IC 22-15-2-3; IC 22-15-2-4; IC 22-15-2-5.

SECTION 57. P.L.205-2003, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: SECTION 45. (a) Notwithstanding IC 16-31-3.5-3(a), as added by this act, the prohibition against an individual acting as an emergency medical dispatcher unless the individual is certified by the Indiana emergency medical services commission as an emergency medical dispatcher does not apply to an individual before July 1, ~~2005~~ **2007**.

(b) Notwithstanding IC 16-31-3.5-3(b), as added by this act, the prohibition against a person acting as an emergency medical dispatch agency unless the person is certified by the Indiana emergency medical services commission as an emergency medical dispatch agency does not apply to a person before July 1, ~~2005~~ **2007**.

(c) This SECTION expires July 2, ~~2005~~ **2007**.

SECTION 58. [EFFECTIVE APRIL 15, 2005] (a) **The definitions in IC 10-19-1, as added by this act, apply throughout this SECTION.**

(b) **After April 14, 2005, the following apply:**

(1) **The powers and duties of the counterterrorism and security council established by IC 4-3-20-2 are transferred to the council established by IC 10-19-8-1, as added by this act.**

(2) **A reference to the counterterrorism and security council established by IC 4-3-20-2 in a statute, a rule, or another**

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document is considered a reference to the council established by IC 10-19-8-1, as added by this act.

(3) All the property of the counterterrorism and security council established by IC 4-3-20-2 is transferred to the department.

(4) An appropriation to the counterterrorism and security council established by IC 4-3-20-2, in effect after June 30, 2005, is transferred to the department.

(5) Personnel positions of the counterterrorism and security council established by IC 4-3-20-2 are transferred to the department.

(6) This subdivision applies to an individual employed by the counterterrorism and security council established by IC 4-3-20-2 on April 14, 2005:

(A) The individual is entitled to become an employee of the department on April 15, 2005.

(B) The individual is entitled to have the individual's service as an employee of the counterterrorism and security council before April 15, 2005, included for the purpose of computing all applicable employment rights and benefits with the department.

(7) All leases and obligations entered into by the counterterrorism and security council established by IC 4-3-20-2 before April 15, 2005, that are legal and valid on April 15, 2005, are obligations of the department beginning April 15, 2005.

(c) This SECTION expires July 1, 2008.

SECTION 59. [EFFECTIVE APRIL 15, 2005] (a) The definitions in IC 10-19-1, as added by this act, apply throughout this SECTION.

(b) As used in this SECTION, "board" refers to the public safety training board created by IC 5-2-10.5-5.

(c) As used in this SECTION, "division" refers to the division of preparedness and training of the department.

(d) As used in this SECTION, "institute" refers to the public safety institute established by IC 5-2-10.5-4.

(e) After April 14, 2005, the following apply:

(1) The board and the institute are abolished.

(2) The powers and duties of the board and the institute are transferred to the division.

(3) A reference to the board or the institute in a statute, a rule, or another document is considered a reference to the division.

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(4) All the property of the board and the institute is transferred to the department.

(5) An appropriation to the board or the institute, in effect after April 14, 2005, is transferred to the department.

(6) Personnel positions of the board or the institute are transferred to the department.

(7) This subdivision applies to an individual employed by the board or the institute on April 14, 2005:

(A) The individual is entitled to become an employee of the department on April 15, 2005.

(B) The individual is entitled to have the individual's service as an employee of the board or the institute before April 15, 2005, included for the purpose of computing all applicable employment rights and benefits with the department.

(8) All leases and obligations entered into by the board or the institute before April 15, 2005, that are legal and valid on April 15, 2005, are obligations of the department beginning April 15, 2005.

(f) This SECTION expires July 1, 2008.

SECTION 60. [EFFECTIVE APRIL 15, 2005] (a) The definitions in IC 10-19-1, as added by this act, apply throughout this SECTION.

(b) As used in this SECTION, "agency" refers to the state emergency management agency established by IC 10-14-2-1.

(c) After April 14, 2005, the following apply:

(1) The agency is abolished.

(2) The powers and duties of the agency are transferred to the department.

(3) A reference to the agency in a statute, a rule, or another document is considered a reference to the department.

(4) All the property of the agency is transferred to the department.

(5) An appropriation to the agency, in effect after April 14, 2005, is transferred to the department.

(6) The following funds are transferred to the department:

(A) The emergency management contingency fund established by IC 10-14-3-28.

(B) The state disaster relief fund established by IC 10-14-4-5.

(C) The nuclear response fund established under IC 10-14-6.

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(7) Personnel positions of the agency are transferred to the department.

(8) This subdivision applies to an individual employed by the agency on April 14, 2005:

(A) The individual is entitled to become an employee of the department on April 15, 2005.

(B) The individual is entitled to have the individual's service as an employee of the agency before April 15, 2005, included for the purpose of computing all applicable employment rights and benefits with the department.

(9) All leases and obligations entered into by the agency before April 15, 2005, that are legal and valid on April 15, 2005, are obligations of the department beginning April 15, 2005.

(d) This SECTION expires July 1, 2008.

SECTION 61. [EFFECTIVE APRIL 15, 2005] (a) The definitions in IC 10-19-1, as added by this act, apply throughout this SECTION.

(b) As used in this SECTION, "fire and building services department" refers to the department established by IC 22-12-5-1, before its repeal by this act.

(c) As used in this SECTION, "department of homeland security" refers to the department established by IC 10-19-2-1, as added by this act.

(d) After April 14, 2005, the following apply:

(1) The fire and building services department is abolished.

(2) The powers and duties of the fire and building services department are transferred to the department of homeland security.

(3) A reference to the fire and building services department in a statute, a rule, or another document is considered a reference to the department of homeland security.

(4) All the property of the fire and building services department is transferred to the department of homeland security.

(5) An appropriation to the fire and building services department, in effect after April 14, 2005, is transferred to the department of homeland security.

(6) The following funds are transferred to the department of homeland security:

(A) The fire and building services fund established by IC 22-12-6-1.

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- 1 **(B) The statewide arson investigation financial assistance**
 2 **fund established by IC 22-12-6-2.**
 3 **(C) The statewide fire and building safety education fund**
 4 **established by IC 22-12-6-3.**
 5 **(D) The firefighting and emergency equipment revolving**
 6 **loan fund established by IC 22-14-5-1.**
 7 **(7) Personnel positions of the fire and building services**
 8 **department are transferred to the department of homeland**
 9 **security.**
 10 **(8) This subdivision applies to an individual employed by the**
 11 **fire and building services department on April 14, 2005:**
 12 **(A) The individual is entitled to become an employee of the**
 13 **department of homeland security on April 15, 2005.**
 14 **(B) The individual is entitled to have the individual's**
 15 **service as an employee of the fire and building services**
 16 **department before April 15, 2005, included for the purpose**
 17 **of computing all applicable employment rights and benefits**
 18 **with the department of homeland security.**
 19 **(9) All leases and obligations entered into by the fire and**
 20 **building services department before April 15, 2005, that are**
 21 **legal and valid on April 15, 2005, are obligations of the**
 22 **department of homeland security beginning April 15, 2005.**
 23 **(e) This SECTION expires July 1, 2008.**
 24 **SECTION 62. [EFFECTIVE APRIL 15, 2005] (a) The definitions**
 25 **in IC 10-19-1, as added by this act, apply throughout this**
 26 **SECTION.**
 27 **(b) As used in this SECTION, "division" refers to the division**
 28 **of fire and building safety of the department of homeland security**
 29 **established by IC 10-19-7-1, as added by this act.**
 30 **(c) As used in this SECTION, "office" refers to the office of the**
 31 **state building commissioner established by IC 22-15-2-1, before its**
 32 **repeal by this act.**
 33 **(d) After April 14, 2005, the following apply:**
 34 **(1) The office is abolished.**
 35 **(2) The powers and duties of the office are transferred to the**
 36 **division.**
 37 **(3) A reference to the office in a statute, a rule, or another**
 38 **document is considered a reference to the division.**
 39 **(4) All the property of the office is transferred to the division.**
 40 **(5) An appropriation to the office, in effect after April 14,**
 41 **2005, is transferred to the division.**
 42 **(6) Personnel positions of the office are transferred to the**

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1 division.

2 (7) This subdivision applies to an individual employed by the
3 office on April 14, 2005:

4 (A) The individual is entitled to become an employee of the
5 division on April 15, 2005.

6 (B) The individual is entitled to have the individual's
7 service as an employee of the office before April 15, 2005,
8 included for the purpose of computing all applicable
9 employment rights and benefits with the department of
10 homeland security.

11 (8) All leases and obligations entered into by the office before
12 April 15, 2005, that are legal and valid on April 15, 2005, are
13 obligations of the department of homeland security beginning
14 April 15, 2005.

15 (e) This SECTION expires July 1, 2008.

16 SECTION 63. [EFFECTIVE APRIL 15, 2005] (a) The definitions
17 in IC 10-19-1, as added by this act, apply throughout this
18 SECTION.

19 (b) As used in this SECTION, "commissioner" refers to the
20 state building commissioner appointed under IC 22-15-2-2, before
21 its repeal by this act.

22 (c) As used in this SECTION, "division" refers to the division of
23 fire and building safety of the department of homeland security
24 established by IC 10-19-7-1, as added by this act.

25 (d) After April 14, 2005, the following apply:

26 (1) The powers and duties of the commissioner are
27 transferred to the division.

28 (2) A reference to the commissioner in a statute, a rule, or
29 another document is considered a reference to the division.

30 (e) This SECTION expires July 1, 2008.

31 SECTION 64. [EFFECTIVE APRIL 15, 2005] (a) As used in this
32 SECTION, "commission" refers to the fire prevention and building
33 safety commission established by IC 22-12-2-1.

34 (b) Notwithstanding any other law, the term of office of a
35 member of the commission serving on April 14, 2005, terminates
36 April 15, 2005.

37 (c) The governor shall appoint the number of members of the
38 commission provided by IC 22-12-2-2, as amended by this act.

39 (d) This SECTION expires July 1, 2009.

40 SECTION 65. [EFFECTIVE APRIL 15, 2005] (a) As used in this
41 SECTION, "department" refers to the department of homeland
42 security established by IC 10-19-2-1, as added by this act.

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1 (b) The legislative services agency shall prepare legislation for
2 introduction in the 2006 regular session of the general assembly to
3 organize and correct statutes affected by the establishment of the
4 department by this act.

5 (c) This SECTION expires July 1, 2006.
6 SECTION 66. An emergency is declared for this act.

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SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 56 and that Senator Wyss be substituted therefor.

GARTON

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COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 56, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety and to make an appropriation.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Homeland Security, Utilities, and Public Policy.

(Reference is to SB 56 as introduced.)

GARTON, Chairperson

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SENATE MOTION

Madam President: I move that Senators Craycraft and Rogers be added as coauthors of Senate Bill 56.

WYSS

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill No. 56, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 1 through 38 with "[EFFECTIVE MAY 15, 2005]".

Page 5, line 40, strike "policy" and insert "**police**".

Page 6, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 7. IC 10-14-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 1. (a) As used in this chapter, "disaster" means an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural **phenomenon** or ~~manmade cause~~. **human act.**

(b) The term includes **any of** the following:

- (1) Fire.
- (2) Flood.
- (3) Earthquake.
- ~~(4) Wind.~~
- (4) Windstorm.**
- ~~(5) Storm.~~
- (5) Snowstorm.**
- (6) Ice storm.**
- (7) Tornado.**
- ~~(6) (8) Wave action.~~
- ~~(7) (9) Oil spill.~~
- ~~(8) (10) Other water contamination requiring emergency action to avert danger or damage.~~
- ~~(9) (11) Air contamination.~~
- ~~(10) (12) Drought.~~
- ~~(11) (13) Explosion.~~
- (14) Technological emergency.**
- (15) Utility failure.**
- (16) Critical shortages of essential fuels or energy.**
- (17) Major transportation accident.**
- (18) Hazardous material or chemical incident.**
- (19) Radiological incident.**
- (20) Nuclear incident.**
- (21) Biological incident.**
- (22) Epidemic.**



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(23) Public health emergency.

(24) Animal disease event requiring emergency action.

(25) Blight.

(26) Infestation.

~~(+2)~~ **(27) Riot.**

~~(+3)~~ **(28) Hostile military or paramilitary action.**

(29) Act of terrorism.

(30) Any other public calamity requiring emergency action."

Page 9, line 33, delete "subsections (b) and (c)," and insert **"this section,"**.

Page 10, between lines 2 and 3, begin a new paragraph and insert:

"(d) The board of firefighting personnel standards and education is the authority that adopts rules under IC 36-8-10.5."

Page 11, between lines 33 and 34, begin a new line block indented and insert:

"(11) The commissioner of the bureau of motor vehicles."

Page 11, line 34, delete "(11)" and insert **"(12)"**.

Page 11, line 36, delete "(12)" and insert **"(13)"**.

Page 11, line 38, delete "(13)" and insert **"(14)"**.

Page 11, line 39, delete "(14)" and insert **"(15)"**.

Page 11, line 40, delete "(a)(12),".

Page 11, line 40, after "(a)(13)," insert **"(a)(14), and (a)(15)"**.

Page 11, line 41, delete "and (a)(14)".

Page 12, line 19, delete "an affiliate" and insert "affiliates".

Page 12, line 19, delete "in each county".

Page 12, line 20, delete "community".

Page 14, line 5, delete "The division shall".

Page 14, delete lines 6 through 8.

Page 15, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 19. IC 16-31-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 2. The commission shall establish standards for persons required to be certified by the commission to provide emergency medical services. To be certified, a person must meet the following minimum requirements:

(1) The personnel certified under this chapter must do the following:

(A) Meet the standards for education and training established by the commission by rule.

(B) Successfully complete a basic or an inservice course of education and training on sudden infant death syndrome that is certified by the Indiana emergency medical services commission (created under IC 16-31-2-1) in conjunction with

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the state health commissioner.

(2) Ambulances to be used must conform with the requirements of the commission and must either be:

(A) covered by insurance issued by a company licensed to do business in Indiana in the amounts and under the terms required in rules adopted by the commission; ~~taking into consideration recommendations of the technical advisory committee;~~ or

(B) owned by a governmental entity covered under IC 34-13-3.

(3) Emergency ambulance service shall be provided in accordance with rules adopted by the commission. ~~taking into consideration recommendations of the advisory committee concerning staffing, equipping, and operating procedures.~~ However, the rules adopted under this chapter may not prohibit the dispatch of an ambulance to aid an emergency patient because an emergency medical technician is not immediately available to staff the ambulance.

(4) Ambulances must be equipped with a system of emergency medical communications approved by the commission. The emergency medical communication system must properly integrate and coordinate appropriate local and state emergency communications systems and reasonably available area emergency medical facilities with the general public's need for emergency medical services.

(5) Emergency medical communications shall be provided in accordance with rules adopted by the commission. ~~taking into consideration recommendations of the technical advisory committee concerning such matters.~~

(6) A nontransporting emergency medical services vehicle must conform with the commission's requirements.

SECTION 20. IC 16-31-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 3. (a) A certificate is not required for a person who provides emergency ambulance service, an emergency medical technician, **an emergency medical technician-basic advanced**, an ambulance, a nontransporting emergency medical services vehicle, or advanced life support when doing any of the following:

(1) Providing assistance to persons certified to provide emergency ambulance service or to emergency medical technicians.

(2) Operating from a location or headquarters outside Indiana to provide emergency ambulance services to patients who are picked up outside Indiana for transportation to locations within Indiana.

(3) Providing emergency medical services during a major

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catastrophe or disaster with which persons or ambulances certified to provide emergency ambulance services are insufficient or unable to cope.

(b) An agency or instrumentality of the United States and any paramedic, ~~or advanced emergency technician~~ **emergency medical technician-intermediate, emergency medical technician-basic advanced, emergency medical technician, or first responder** of the agency or instrumentality is not required to:

- (1) be certified; or
- (2) conform to the standards prescribed under this chapter.

SECTION 21. IC 16-31-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 14. (a) A person holding a certificate issued under this article must comply with the applicable standards and rules established under this article. A certificate holder is subject to disciplinary sanctions under subsection (b) if the state emergency management agency determines that the certificate holder:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate, including cheating on a certification examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;
- (5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder should be entrusted to provide emergency medical services;
- (6) is convicted of violating IC 9-19-14.5;
- (7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;
- (8) continues to practice if the certificate holder becomes unfit to practice due to:
 - (A) professional incompetence that includes the undertaking of professional activities that the certificate holder is not qualified by training or experience to undertake;
 - (B) failure to keep abreast of current professional theory or practice;

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- (C) physical or mental disability; or
- (D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's ability to practice safely;
- (9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (10) allows the certificate holder's name or a certificate issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;
- (11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;
- (12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or
- (13) allows a certificate issued by the commission to be:
 - (A) used by another person; or
 - (B) displayed to the public when the certificate is expired, inactive, invalid, revoked, or suspended.
- (b) The state emergency management agency may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the state emergency management agency determines that a certificate holder is subject to disciplinary sanctions under subsection (a):
 - (1) Revocation of a certificate holder's certificate for a period not to exceed seven (7) years.
 - (2) Suspension of a certificate holder's certificate for a period not to exceed seven (7) years.
 - (3) Censure of a certificate holder.
 - (4) Issuance of a letter of reprimand.
 - (5) Assessment of a civil penalty against the certificate holder in accordance with the following:
 - (A) The civil penalty may not exceed five hundred dollars (\$500) per day per violation.
 - (B) If the certificate holder fails to pay the civil penalty within the time specified by the state emergency management agency, the state emergency management agency may suspend the certificate holder's certificate without additional proceedings.
 - (6) Placement of a certificate holder on probation status and

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requirement of the certificate holder to:

- (A) report regularly to the state emergency management agency upon the matters that are the basis of probation;
- (B) limit practice to those areas prescribed by the state emergency management agency;
- (C) continue or renew professional education approved by the state emergency management agency until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
- (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the state emergency management agency considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder.

The state emergency management agency may withdraw or modify this probation if the state emergency management agency finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a certificate holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate, including cheating on the certification examination, the state emergency management agency may rescind the certificate if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate for a length of time established by the state emergency management agency.

(d) The state emergency management agency may deny certification to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder, has had disciplinary action taken against the applicant or the applicant's certificate to practice in another state or jurisdiction, or has practiced without a certificate in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The state emergency management agency may order a certificate holder to submit to a reasonable physical or mental examination if the certificate holder's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a state emergency management agency order to submit to a physical or mental examination makes a certificate holder liable to temporary suspension under subsection (i).

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(f) Except as provided under subsection (a), **subsection (g)**, and section 14.5 of this chapter, a certificate may not be denied, revoked, or suspended because the applicant or certificate holder has been convicted of an offense. The acts from which the applicant's or certificate holder's conviction resulted may be considered as to whether the applicant or certificate holder should be entrusted to serve the public in a specific capacity.

(g) The state emergency management agency may deny, suspend, or revoke a certificate issued under this ~~chapter~~ **article** if the individual who holds or is applying for the certificate is convicted of any of the following:

- (1) Possession of cocaine, a narcotic drug, or methamphetamine under IC 35-48-4-6.
- (2) Possession of a controlled substance under IC 35-48-4-7(a).
- (3) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- (4) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- (5) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- (6) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- (7) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.
- (8) Maintaining a common nuisance under IC 35-48-4-13.
- (9) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- (10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).
- (11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).
- (12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described by subdivisions (1) through (11).

(h) A decision of the state emergency management agency under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The state emergency management agency may temporarily suspend a certificate holder's certificate under IC 4-21.5-4 before a final adjudication or during the appeals process if the state emergency management agency finds that a certificate holder would represent a

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clear and immediate danger to the public's health, safety, or property if the certificate holder were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the state emergency management agency must initiate an investigation against the person.

(k) The state emergency management agency shall conduct a factfinding investigation as the state emergency management agency considers proper in relation to the complaint.

(l) The state emergency management agency may reinstate a certificate that has been suspended under this section if the state emergency management agency is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the state emergency management agency may impose disciplinary or corrective measures authorized under this chapter.

(m) The state emergency management agency may not reinstate a certificate that has been revoked under this chapter.

(n) The state emergency management agency must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the state emergency management agency's findings or orders.

(o) A certificate holder may not surrender the certificate holder's certificate without the written approval of the state emergency management agency, and the state emergency management agency may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate.

(p) For purposes of this section, "certificate holder" means a person who holds:

- (1) an unlimited certificate;
- (2) a limited or probationary certificate; or
- (3) an inactive certificate.

SECTION 22. IC 16-31-3.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 2. This chapter does not apply to **the following**:

- (1) A person who solely dispatches prescheduled emergency medical transports.
- (2) **A person who provides emergency medical dispatching during a major catastrophe or disaster with which individuals or dispatch agencies certified to provide emergency medical**

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dispatching are unable to cope.

SECTION 23. IC 16-31-3.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 3. (a) ~~After~~ **After December 31, 2006, an** individual may not furnish, operate, conduct, maintain, or advertise services as an emergency medical dispatcher or otherwise be engaged as an emergency medical dispatcher unless that individual is certified by the commission as an emergency medical dispatcher.

(b) ~~After December 31, 2006, a~~ person may not furnish, operate, conduct, maintain, or advertise services as an emergency medical dispatcher or otherwise be engaged as an emergency medical dispatch agency unless certified by the commission as an emergency medical dispatch agency.

SECTION 24. IC 16-31-3.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 4. (a) To be certified as an emergency medical dispatcher, an individual must:

- (1) meet the standards for education and training established by the commission;
- (2) successfully complete a written competency examination approved by the commission; and
- (3) pay the fee established by the commission.

(b) An emergency medical dispatcher certificate expires **on the expiration date established when it is issued, which must be at least two (2) years** after the date of its issuance. To renew a certificate, an emergency medical dispatcher must:

- (1) meet the education and training renewal standards established by the commission; and
- (2) pay the fee established by the commission.

(c) An emergency medical dispatcher must follow protocols, procedures, standards, and policies established by the commission.

(d) An emergency medical dispatcher shall keep the commission informed of the entity or agency that employs or supervises the dispatcher's activities as an emergency medical dispatcher.

(e) An emergency medical dispatcher shall report to the commission whenever an action has taken place that may justify the revocation or suspension of a certificate issued by the commission.

SECTION 25. IC 16-31-3.5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: **Sec. 4.5. (a) A temporary emergency medical dispatcher certificate may be issued by the state emergency management agency. To obtain a temporary certificate, an individual must do the following:**

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(1) Meet the standards established by the commission. The commission's standards must include a declaration by a certified emergency medical dispatch agency that the certified emergency medical dispatch agency is temporarily unable to secure a certified emergency medical dispatcher.

(2) Pay the fee established by the commission.

(b) A temporary emergency medical dispatcher certificate is valid:

(1) for sixty (60) days after the date of issuance; and

(2) only for emergency medical dispatching performed for the emergency medical dispatching agency that supported the temporary certification.

(c) A temporary emergency medical dispatcher certificate issued under this section may be renewed for one (1) subsequent sixty (60) day period. To renew the temporary certification, the certificate holder must submit the same information and fee required for the original temporary certification.

SECTION 26. IC 16-31-3.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 5. (a) To be certified as an emergency medical dispatch agency, a person must:

(1) meet the standards established by the commission; and

(2) pay the fee established by the commission.

(b) An emergency medical dispatch agency certificate expires **on the expiration date established when it is issued, which must be at least two (2) years after the date of its issuance.** To renew a certificate, an emergency medical dispatch agency must:

(1) meet the renewal requirements established by the commission; and

(2) pay the fee established by the commission.

(c) The emergency medical dispatch agency must be operated in a safe, efficient, and effective manner in accordance with commission approved standards that include the following requirements:

(1) All personnel providing emergency medical dispatch services must be certified as emergency medical dispatchers by the commission before functioning alone in an online capacity.

(2) The protocols, procedures, standards, and policies used by an emergency medical dispatch agency to dispatch emergency medical aid must comply with the requirements established by the commission.

(3) The commission must require the emergency medical dispatch agency to appoint a dispatch medical director to provide supervision and oversight over the medical aspects of the

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operation of the emergency medical dispatch agency.

(d) The commission may require the submission of periodic reports from an emergency medical dispatch agency. The emergency medical dispatch agency must submit the reports in the manner and with the frequency required by the commission.

(e) An emergency medical dispatch agency shall report to the commission whenever an action occurs that may justify the revocation or suspension of a certificate issued by the commission.

SECTION 27. IC 16-31-3.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 6. (a) The commission must require emergency medical dispatchers to participate in continuing emergency medical dispatch education and training.

(b) An emergency medical dispatcher education and training course must: ~~be~~

(1) **meet the curriculum and standards** approved by the commission; and ~~must~~

(2) be conducted by an instructor or instructors that meet qualifications established by the commission.

(c) A person may not offer or conduct a training course that is represented as a course for emergency medical dispatcher certification unless the course is approved by the ~~commission~~ **state emergency management agency** and the instructor or instructors meet the qualifications established by the commission."

Page 15, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 28. IC 16-31-8.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 3. (a) The emergency medical services fund is established to defray the personal services expense, other operating expense, and capital outlay of the:

(1) commission; and

(2) employees of the agency.

(b) **The fund includes money collected under IC 16-31-3.5.**

SECTION 29. IC 16-31-8.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 4. (a) The agency shall administer the fund.

(b) **The agency shall deposit money collected under IC 16-31-3.5 in the fund at least monthly.**

(c) Expenses of administering the fund shall be paid from money in the fund."

Page 18, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 42. IC 16-31-3-19 IS REPEALED [EFFECTIVE MAY 15, 2005]."

Page 18, between lines 41 and 42, begin a new paragraph and insert:

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"SECTION 44. P.L.205-2003, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: SECTION 45. (a) Notwithstanding IC 16-31-3.5-3(a), as added by this act, the prohibition against an individual acting as an emergency medical dispatcher unless the individual is certified by the Indiana emergency medical services commission as an emergency medical dispatcher does not apply to an individual before July 1, ~~2005~~: **2007**.

(b) Notwithstanding IC 16-31-3.5-3(b), as added by this act, the prohibition against a person acting as an emergency medical dispatch agency unless the person is certified by the Indiana emergency medical services commission as an emergency medical dispatch agency does not apply to a person before July 1, ~~2005~~: **2007**.

(c) This SECTION expires July 2, ~~2005~~: **2007**."

Page 19, line 2, delete "June 30," and insert "**May 14**,".

Page 19, line 21, delete "June 30," and insert "**May 14**,".

Page 19, line 23, delete "July 1," and insert "**May 15**,".

Page 19, line 26, delete "July 1," and insert "**May 15**,".

Page 19, line 31, delete "July 1," and insert "**May 15**,".

Page 19, line 32, delete "July 1, 2005," and insert "**May 15, 2005**,".

Page 19, line 32, delete "beginning July" and insert "**beginning May 15, 2005**,".

Page 19, delete line 33.

Page 20, line 1, delete "June 30," and insert "**May 14**,".

Page 20, line 10, delete "June 30," and insert "**May 14**,".

Page 20, line 14, delete "June 30," and insert "**May 14**,".

Page 20, line 16, delete "July 1," and insert "**May 15**,".

Page 20, line 19, delete "July 1," and insert "**May 15**,".

Page 20, line 23, delete "July 1," and insert "**May 15**,".

Page 20, line 23, delete "on July" and insert "**on May 15**,".

Page 20, line 24, delete "1,".

Page 20, line 24, delete "July 1," and insert "**May 15**,".

Page 20, line 31, delete "June 30," and insert "**May 14**,".

Page 20, line 39, delete "June 30," and insert "**May 14**,".

Page 21, line 9, delete "June 30," and insert "**May 14**,".

Page 21, line 11, delete "July 1," and insert "**May 15**,".

Page 21, line 13, delete "July 1," and insert "**May 15**,".

Page 21, line 17, delete "before July 1," and insert "**before May 15**,".

Page 21, line 17, delete "on July 1," and insert "**on May 15**,".

Page 21, line 18, delete "July 1," and insert "**May 15**,".

Page 21, line 28, delete "June 30," and insert "**May 14**,".

Page 21, line 40, delete "June 30," and insert "**May 14**,".

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Page 22, line 14, delete "June 30," and insert "**May 14**,".

Page 22, line 16, delete "July 1," and insert "**May 15**,".

Page 22, line 19, delete "July 1," and insert "**May 15**,".

Page 22, line 23, delete "July 1," and insert "**May 15**,".

Page 22, line 24, delete "July 1," and insert "**May 15**,".

Page 22, line 25, delete "July 1," and insert "**May 15**,".

Page 22, line 35, delete "June 30," and insert "**May 14**,".

Page 22, line 42, delete "June 30," and insert "**May 14**,".

Page 23, line 5, delete "June 30," and insert "**May 14**,".

Page 23, line 7, delete "July 1," and insert "**May 15**,".

Page 23, line 9, delete "July 1," and insert "**May 15**,".

Page 23, delete lines 13 through 16, begin a new line block indented and insert:

"(8) All leases and obligations entered into by the office before May 15, 2005, that are legal and valid on May 15, 2005, are obligations of the department of homeland security beginning May 15, 2005."

Page 23, line 26, delete "June 30," and insert "**May 14**,".

Page 23, line 36, delete "June 30," and insert "**May 14**,".

Page 23, line 37, delete "July 1," and insert "**May 15**,".

Page 24, after line 6, begin a new paragraph and insert:

"SECTION 53. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 56 as printed February 16, 2005.)

WYSS, Chairperson

Committee Vote: Yeas 9, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred Senate Bill 56, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 52 with "[EFFECTIVE APRIL 15, 2005]".

Page 1, delete lines 7 through 9.

Page 1, line 10, delete "(1) (2)" and insert "(1)".

Page 1, line 10, delete "." and insert ",".

Page 1, line 11, reset in roman "who shall serve as".

Page 1, line 11, after "chairman" insert "**chair**".

Page 1, line 11, reset in roman "of the board".

Page 1, between lines 11 and 12, begin a new line block indented and insert:

"(2) The deputy director of the division of preparedness and training of the department of homeland security. The deputy director shall serve as the vice chair of the board."

Page 6, between lines 7 and 8, begin a new line block indented and insert:

"(22) A member of a state or local emergency management agency."

Page 8, line 13, strike "subdivision" and insert "**subsection**".

Page 10, between lines 24 and 25, begin a new line block indented and insert:

"(7) Develop a plan to protect key state assets and public infrastructure from a disaster or terrorist attack."

Page 10, line 30, after "director" insert ", **or the executive director's designee,**".

Page 10, line 37, delete "The" and insert "**Except as provided in subsection (e) or (f), the**".

Page 11, between lines 3 and 4, begin a new paragraph and insert:

"(e) The boiler and pressure vessel rules board established by IC 22-12-4-1 is the authority that adopts:

(1) emergency rules under IC 22-13-2-8(c); and

(2) rules under IC 22-15-6.

(f) The regulated amusement device safety board established by IC 22-12-4.5-2 is the authority that adopts rules under IC 22-15-7."

Page 11, between lines 26 and 27, begin a new paragraph and insert:

"Sec. 5. The executive director may adopt rules under IC 4-22-2

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to establish continuing education requirements relating to any certifications issued by the division."

Page 12, line 8, delete "Serve as secretary for" and insert **"Provide staff to support"**.

Page 12, between lines 13 and 14, begin a new paragraph and insert:
"(c) The state fire marshal may delegate the state fire marshal's authority to the appropriate division staff."

Page 12, between lines 15 and 16, begin a new paragraph and insert:
"(b) An individual must be a design professional with not less than ten (10) years of experience in the building trades industry to be the building law compliance officer."

Page 12, line 16, delete "(b)" and insert **"(c)"**.

Page 12, line 38, delete "his" and insert **"the speaker's"**.

Page 12, line 40, delete "his" and insert **"the president pro tempore's"**.

Page 15, line 35, delete "the following:" and insert **"any public safety or health services provider that the division determines will benefit from the training."**

Page 15, delete lines 36 through 42.

Page 16, delete line 1.

Page 26, line 13, delete "A commission member may".

Page 26, line 13, strike "serve a" and insert **"The"**.

Page 26, after "of" insert **"a commission member is"**.

Page 27, between lines 10 and 11, begin a new line block indented and insert:

"(18) Energy conservation codes and standards, including the manner in which energy conservation codes and standards apply to:

(A) residential;

(B) single and multiple family dwelling; or

(C) commercial;

building codes."

Page 27, line 13, delete "(f)".

Page 27, line 13, strike "An appointed member of the commission may not serve more".

Page 27, strike lines 14 through 16, begin a new paragraph and insert:

"SECTION 33. IC 22-12-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 5. The ~~commission~~ governor shall ~~annually elect a chairperson from among its members~~ appoint a member of the commission to be the commission's chair.

(b) The member appointed by the governor serves as the

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commission's chair at the governor's pleasure.

SECTION 34. IC 22-12-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 6. (a) The commission shall meet at least quarterly.

(b) A quorum of the commission consists of ~~ten (10)~~ **six (6)** members. IC 4-21.5-3-3 applies to a commission action governed by IC 4-21.5. ~~The commission may take other actions by an affirmative vote of:~~

(1) ~~nine (9) members, if less than nineteen (19) voting members are present and voting on the action; or~~

(2) ~~ten (10) members, if nineteen (19) members are present and voting on the action.~~

(c) ~~In the case of a tie vote on an action of the commission, the deciding vote shall be cast by the:~~

(1) ~~state fire marshal, in even-numbered years; or~~

(2) ~~state building commissioner, in odd-numbered years."~~

Page 27, line 32, after "state" insert **"division of fire and"**.

Page 27, line 32, delete "law compliance officer in" and insert **"safety of"**.

Page 27, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 36. IC 22-13-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 1. As used in this chapter, "interested person" refers to a person that has a dispute with a county or a municipality regarding the interpretation of a building law **or a fire safety law."**

Page 27, line 40, delete "." and insert **"or a fire safety law."**

Page 27, line 42, after "laws" insert **"and fire safety laws"**.

Page 28, line 4, after "law" insert **"or fire safety law"**.

Page 28, line 5, delete "." and insert **"or fire safety law."**

Page 28, line 8, after "law" insert **"or fire safety law"**.

Page 28, line 11, after "law" insert **"or fire safety law"**.

Page 28, line 13, after "law" insert **"or fire safety law"**.

Page 28, line 16, after "law" insert **"or fire safety law"**.

Page 28, line 20, after "law" insert **"or fire safety law"**.

Page 28, line 23, delete "." and insert **"or fire safety law."**

Page 28, line 25, after "law" insert **"or fire safety law"**.

Page 28, line 28, delete "." and insert **"or fire safety law."**

Page 28, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 40. IC 22-14-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 7. (a) This section does not limit the powers, rights, duties, and other responsibilities of municipal or county governments or impose requirements affecting

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pension laws or any other laws.

(b) This section does not require a member of a fire department to be certified.

(c) The education board may:

- (1) certify firefighting training and education programs that meet the standards set by the education board;
- (2) certify fire department instructors who meet the qualifications set by the education board;
- (3) direct research in the field of firefighting and fire prevention and accept gifts and grants to direct this research;
- (4) recommend curricula for advanced training courses and seminars in fire science or fire engineering training to public and private institutions of higher education;
- (5) certify fire service personnel and nonfire service personnel who meet the qualifications set by the education board;
- (6) require fire service personnel certified at any ~~instructor~~ level to fulfill continuing education requirements in order to maintain certification;
- (7) contract or cooperate with any person and adopt rules under IC 4-22-2 to carry out its responsibilities under this section; or
- (8) grant a variance to a rule the education board has adopted.

SECTION 41. IC 22-15-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 2. (a) This section applies to a provision of this article that requires an applicant for a certification, registration, permit, approval, or other license to:

- (1) demonstrate that the person is in compliance with all building laws, **fire safety laws**, or equipment laws; or
- (2) submit proof that a person is acting or will act in conformity with all building laws, **fire safety laws**, or equipment laws.

(b) Compliance with the conditions of a variance issued under IC 22-13-2-11 shall be treated under this article as compliance with the building law, **fire safety law**, or equipment law from which the variance is granted."

Page 28, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 43. IC 22-15-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 1. (a) The ~~office~~ **building law compliance officer employed under IC 10-19-7-4** shall issue a design release for:

- (1) the construction of a Class 1 structure to an applicant who qualifies under section 2 or 3 of this chapter; and
- (2) the fabrication of an industrial building system or mobile structure under section 4 of this chapter.

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(b) The office may not issue a design release until the plans and specifications submitted with the application have been:

- (1) presented to the office of the state fire marshal by the office; and
- (2) approved in writing by the office of the state fire marshal.

(c) A meeting between the executive director of the department; the state building commissioner; and the state fire marshal may be called by the executive director:

- (1) upon request of the state building commissioner or the state fire marshal; if the state building commissioner and the state fire marshal cannot agree on the issuance of a design release; or
- (2) upon request of the applicant for the design release; if the office and the office of the state fire marshal have not acted to issue or deny the design release within a reasonable time after the application is submitted to the office.

(d) At a meeting called under subsection (c); the executive director of the department; the state building commissioner; and the state fire marshal shall review the application for a design release and shall, by majority vote, issue a final decision.

(e) Subject to subsection (b); **(b) The office building law compliance officer** may issue a design release based on a plan review performed by a city, town, or county if:

- (1) the ~~state building commissioner~~ **law compliance officer** has certified that the city, town, or county is competent; and
- (2) the city, town, or county has adopted the rules of the commission under IC 22-13-2-3.

~~(f)~~ **(c)** For the purposes of subsection (e)(1), competency must be established by a test approved by the commission and administered by the division of education and information.

~~(g)~~ **(d)** A design release issued under this chapter expires on the date specified in the rules adopted by the commission.

SECTION 44. IC 22-15-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 2. To qualify for a design release under this section, an applicant must:

- (1) demonstrate, through the submission of plans and specifications for the construction covered by the application, that the construction will comply with all applicable building laws **and fire safety laws**;
- (2) pay the fees set under IC 22-12-6-6;
- (3) have the plans and specifications:
 - (A) prepared by a registered architect or professional engineer who is:

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- (i) competent to design the construction covered by the application as determined by the office; and
- (ii) registered under IC 25-4 or IC 25-31;
- (B) include on each page of all drawings and the title page of all specifications the seal of the registered architect or professional engineer described by clause (A) or the person's technical or professional staff; and
- (C) filed by the registered architect or professional engineer described by clause (A) or the person's technical or professional staff; and
- (4) submit a certificate prepared on a form provided by the office and sworn or affirmed under penalty of perjury by the registered architect or professional engineer described in subdivision (3)(A):
 - (A) providing an estimate of the cost of the construction covered by the application, its square footage, and any other information required under the rules of the commission;
 - (B) stating that the plans and specifications submitted for the application were prepared either by or under the immediate supervision of the person making the statement;
 - (C) stating that the plans and specifications submitted for the application provide for construction that will meet all building laws; and
 - (D) stating that the construction covered by the application will be subject to inspection at intervals appropriate to the stage of the construction by a registered architect or professional engineer identified in the statement for the purpose of determining in general if work is proceeding in accordance with the released plans and specifications.

SECTION 45. IC 22-15-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 3. (a) This section applies only to an application for a design release to construct:

- (1) A Class 1 structure with thirty thousand (30,000) or fewer cubic feet of space;
- (2) An addition to a Class 1 structure, if the addition adds thirty thousand (30,000) or fewer cubic feet of space;
- (3) An alteration to a Class 1 structure, if the alteration does not involve changes affecting the structural safety of the Class 1 structure; or
- (4) An installation or alteration of an automatic fire sprinkler system in a Class 1 structure by persons qualified pursuant to rules set forth by the fire prevention and building safety commission.

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(b) To qualify for a design release under this section, an applicant must **do the following:**

(1) Demonstrate, through the submission of plans and specifications for the construction covered by the application, that the construction will comply with all applicable building laws and **fire safety laws.**

(2) Pay the fees set under IC 22-12-6-6.

SECTION 46. IC 22-15-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 4. (a) This section applies to a design release for the fabrication of a model or other series of similar industrialized building systems or mobile structures.

(b) To qualify for a design release under this section, an applicant must:

(1) demonstrate, through the submission of plans and specifications for the construction covered by the application, that the construction will comply with all applicable building laws **and fire safety laws;**

(2) have the submitted plans and specifications prepared by an architect registered under IC 25-4 or a professional engineer registered under IC 25-31, if required under the rules adopted by the commission; and

(3) pay the fees set under IC 22-12-6-6.

SECTION 47. IC 22-15-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 1. (a) The office shall certify an industrialized building system for use in Indiana to an applicant who qualifies under this section. If an applicant qualifies for certification under this section, the office shall provide the applicant with a seal for the certified industrial building system.

(b) To qualify for a certification under this section, an applicant must:

(1) submit proof that the office has issued a design release under IC 22-15-3 for the model or series of industrialized building systems being constructed;

(2) demonstrate, in an in-plant inspection, that the industrialized building system covered by the application has been constructed in conformity with all applicable building laws **and fire safety laws;** and

(3) pay the fee set by the commission under IC 22-12-6-6.

(c) The exemption under IC 22-13-4-2 applies to an industrialized building system certified under this section.

SECTION 48. IC 22-15-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 2. (a) The office shall

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certify a mobile structure for sale and use in Indiana for an applicant who qualifies under this section. If an applicant qualifies for certification under this section, the office shall provide the applicant with a seal for the certified mobile structure.

(b) To qualify for certification under this section, an applicant must:

- (1) submit proof that the office has issued a design release under IC 22-15-3 for the model or series of mobile structures being constructed;
- (2) demonstrate, in an in-plant inspection, that the mobile structure covered by the application has been constructed in conformity with all applicable building laws **and fire safety laws**;
- (3) certify in an affidavit that a seal provided by the office will not be attached to a mobile structure that does not conform to the requirements adopted by the commission in its rules; and
- (4) pay the fee set by the commission under IC 22-12-6-6.

(c) The exemption under IC 22-13-4-2 applies to a mobile structure certified under this chapter.

SECTION 49. IC 36-7-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 9. Each unit shall require compliance with:

- (1) the code of building laws **and fire safety laws** that is adopted in the rules of the fire prevention and building safety commission under IC 22-13;
- (2) orders issued under IC 22-13-2-11 that grant a variance to the code of building laws **and fire safety laws** described in subdivision (1);
- (3) orders issued under IC 22-12-7 that apply the code of building laws described in subdivision (1);
- (4) IC 22-15-3-7; and
- (5) a written interpretation of a building law **and fire safety law** binding on the unit under IC 22-13-5-3 or IC 22-13-5-4."

Page 29, line 23, delete "May" and insert "**April**".

Page 29, line 42, delete "May" and insert "**April**".

Page 30, line 2, delete "May" and insert "**April**".

Page 30, line 5, delete "May" and insert "**April**".

Page 30, line 10, delete "May" and insert "**April**".

Page 30, line 11, delete "May" and insert "**April**".

Page 30, line 12, delete "May" and insert "**April**".

Page 30, line 22, delete "May" and insert "**April**".

Page 30, line 31, delete "May" and insert "**April**".

Page 30, line 35, delete "May" and insert "**April**".

Page 30, line 37, delete "May" and insert "**April**".



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Page 30, line 40, delete "May" and insert "**April**".
 Page 31, line 2, delete "May 15" and insert "**April 15**".
 Page 31, line 2, delete "on May" and insert "**on April**".
 Page 31, line 3, delete "May" and insert "**April**".
 Page 31, line 10, delete "May" and insert "**April**".
 Page 31, line 18, delete "May" and insert "**April**".
 Page 31, line 30, delete "May" and insert "**April**".
 Page 31, line 32, delete "May" and insert "**April**".
 Page 31, line 34, delete "May" and insert "**April**".
 Page 31, line 38, delete "before May" and insert "**before April**".
 Page 31, line 38, delete "on May" and insert "**on April**".
 Page 31, line 39, delete "May" and insert "**April**".
 Page 32, line 7, delete "May" and insert "**April**".
 Page 32, line 19, delete "May" and insert "**April**".
 Page 32, line 35, delete "May" and insert "**April**".
 Page 32, line 37, delete "May" and insert "**April**".
 Page 32, line 40, delete "May" and insert "**April**".
 Page 33, line 2, delete "May" and insert "**April**".
 Page 33, line 3, delete "May" and insert "**April**".
 Page 33, line 4, delete "May" and insert "**April**".
 Page 33, line 14, delete "May" and insert "**April**".
 Page 33, line 21, delete "May" and insert "**April**".
 Page 33, line 26, delete "May" and insert "**April**".
 Page 33, line 28, delete "May" and insert "**April**".
 Page 33, line 30, delete "May" and insert "**April**".
 Page 33, line 35, delete "May 15, 2005, that" and insert "**April 15, 2005, that**".
 Page 33, line 35, delete "on May" and insert "**on April**".
 Page 33, line 37, delete "May" and insert "**April**".
 Page 34, line 5, delete "May" and insert "**April**".
 Page 34, line 15, delete "May" and insert "**April**".
 Page 34, line 16, delete "May" and insert "**April**".
 Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 56 as printed February 25, 2005.)

RUPPEL, Chair

Committee Vote: yeas 9, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 56 be amended to read as follows:

Page 11, line 9, after "under" insert "**IC 22-14-2-7(c)(7) and**".

Page 11, line 37, after "as the" insert "**vice**".

Page 26, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 31. IC 22-12-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2005]: Sec. 3. "Building law" means any ~~fire safety law~~, equipment law or other law governing any of the following:

- (1) Fabrication of an industrialized building system or mobile structure for installation, assembly, or use at another site.
- (2) Construction, addition, or alteration of any part of a Class 1 or Class 2 structure at the site where the structure will be used.
- (3) Assembly of an industrialized building system or mobile structure that is covered by neither subdivision (1) nor (2)."

Page 27, line 5, delete "Engineering." and insert "**As a professionally licensed engineer.**".

Page 27, line 10, delete "Architecture." and insert "**As a professionally licensed architect.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 56 as printed March 16, 2005.)

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